S
621.31
N7t
1976
Vol.37

Board of Natural Resources
Colstrip Hearings

PLEASE RETURN

STATE DOCUMENTS COLLECTION

APR 27 1979

MONTANA STATE LIBRARY
930 E Lyndale Ave.
Helena, Montana 59601

Volume 37

Transcript of Proceedings
for
March 3, 1976

Pages 7012-7248

I N D E X

Colstrip 3 & 4 — Page

WITNESSES

March 3, 1976, Wednesday — 7012

PAUL BRUNNER

Written Direct Statement 7014

Cross, by Applicants 7017

Redirect, by Northern Plains Resource Council ... 7030

Re-cross, by Applicants 7043

Re-redirect, by Northern Plains Resource Council 7047

Re-re-cross, by Applicants 7051

RICHARD HOPE

Written Direct Statement 7054

Cross, by Applicants 7057

Redirect, by Northern Plains Resource Council ... 7071

Re-cross, by Applicants 7075

BILLO MIKE COMOLA

Written Direct Statement 7077

Cross, by Applicants 7082

Redirect, by Northern Plains Resource Council ... 7091

Re-cross, by Applicants 7096

HENRY DERTIEN

Written Direct Statement 7100

Cross, by Applicants 7104

JAMES K. STEELE

Written Direct Statement 7105

Cross, by Applicants 7108

I N D E X

Colstrip 3 & 4 Page

WITNESSES

March 3, 1976, Wednesday, (continuing)

JAMES K. STEELE (continuing)

Redirect, by Northern Plains Resource Council ... 7113

Re-cross, by Applicants 7117

TED FLYNN

Written Direct Statement 7120

Cross, by Applicants 7127

Redirect, by Northern Plains Resource Council ... 7131

Re-cross, by Applicants 7136

MRS. FRANCIS (TERRY) MANNIX

Written Direct Statement 7138

Cross, by Applicants 7141

Redirect, by Northern Plains Resource Council ... 7142

Re-cross, by Applicants 7144

PHIL ROSTAD

Written Direct Statement 7146

Cross, by Applicants 7149

Redirect, by Northern Plains Resource Council ... 7157

Re-cross, by Applicants 7161

JED STANFILL

Written Direct Statement 7164

Cross, by Applicants 7167

Redirect, by Northern Plains Resource Council ... 7169

JOHN MANLEY

Written Direct Statement 7176

I N D E X

Colstrip 3 & 4 Page

WITNESSES

March 3, 1976, Wednesday, (continuing)

JOHN MANLEY (continuing)

Cross, by Applicants 7179

Redirect, by Northern Plains Resource Council ... 7183

JAMES LOFFTUS

Written Direct Statement 7187

Cross, by Applicants 7191

Redirect, by Northern Plains Resource Council ... 7193

Re-cross, by Applicants 7196

BOB CONLEY

Written Direct Statement 7198

Cross, by Applicants 7203

Redirect, by Northern Plains Resource Council ... 7205

DOUGLASS FERRELL

Written Direct Statement 7211

Cross, by Applicants 7212

MS. KAYLA WEINER

Oral Statement 7213

Cross, by Applicants 7214

WILLIAM WARD

Oral Statement 7217

Cross, by Applicants 7217

DANA R. DUBE

Written Direct Statement 7219

Cross, by Applicants 7220

I N D E X

Colstrip 3 & 4 Page

WITNESSES

March 3, 1976, Wednesday, (continuing)

CHARLES LAWRENCE

Oral Statement 7221

Cross, by Applicants 7222

JEFFREY W. SANDLER

Written Direct Statement 7224

Cross, by Applicants 7225

CESAR HERNANDEZ

Oral Statement 7226

Cross, by Applicants 7227

LEE M. BALLARD

Oral Statement 7228

Cross, by Applicants 7229

JACOB A. SCHLEPP

Oral Statement 7229

JOHN B. STONE

Written Direct Statement 7231

BETTY DuPONT

Written Direct Statement 7234

RALPH MANNIX

Oral Statement 7235

Cross, by Applicants 7236

REBECCA SUMMERVILLE

Oral Statement 7237

Cross, by Applicants 7237

I N D E X

Colstrip 3 & 4 Page

WITNESSES

March 3, 1976, Wednesday, (continuing)

FRANK TINKER

Written Direct Statement 7239

Cross, by Applicants 7242

JEANETTE NICELY

Written Direct Statement 7244

Cross, by Applicants 7245

LINDA COMOLA

Oral Statement 7246

Cross, by Applicants 7247

WEDNESDAY, MARCH 3, 1976

The hearing reconvened at 9:20 A.M. on Wednesday, March 3, 1976, in the Chambers of the Montana House of Representatives, State Capitol, Helena, Montana.

The Honorable Carl M. Davis, Hearings Examiner, presided over the proceedings.

APPEARANCES:

Applicants:

William M. Bellingham, Esq.
John L. Peterson, Esq.
John Ross, Esq.

Department of Natural Resources and Conservation:

Donald MacIntyre, Esq.
Ted J. Doney, Esq.

Northern Plains Resource Council:

Leo Graybill, Jr., Esq.

The following proceedings were had:

HEARINGS EXAMINER: Let's proceed.

MR. GRAYBILL: I would like to call Paul Brunner.

PAUL BRUNNER, called as a witness by the Northern Plains Resource Council, having been first duly sworn upon his oath, both as to his written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

(THE WRITTEN DIRECT TESTIMONY OF MR. PAUL BRUNNER WAS

DIRECTED TO BE INSERTED AT THIS POINT.)

STATE OF MONTANA

BEFORE THE BOARD OF

NATURAL RESOURCES AND CONSERVATION

STATEMENT OF

PAUL BRUNNER

My name is Paul Brunner. I am President of Eco Realty of Missoula, Montana. I have been asked to provide testimony regarding power lines and their relationship to land value in western Montana.

As credentials seem to be important in validating testimony, I offer the following information concerning my experience:

I am a licensed broker in the State of Montana with approximately five years experience selling land. I received a B.S. from the University of Montana with a double major of marketing and real estate. I operate and own Eco Realty in Missoula and sell land from the Bozeman area to the Idaho State line. Since 1972, I have made approximately 30 sales with a total acreage of just over 146,000 acres. My special field is "Environmental Real Estate," i.e., I specialize in finding land and ranchers that are in danger of being subdivided and finding buyers who will promise not to subdivide.

Most of the land-ranches I sell have recreational overtones, as do many along the Montana Power Company's proposed power line route. These ranches are bringing very high prices today in relation to their productive value as cattle ranches. These high prices are a result of out-of-state buyers seeking a retreat in Montana. These buyers are used to much higher land prices in their home states and are willing to pay a premium for our beautiful Montana land. These buyers will not pay a premium for ranches adjacent to subdivisions or with power lines on or within sight of them.

In the past four years I have had several buyers turn down ranches that were exactly what they wanted except there were power lines through them. People will not pay premium prices here to buy the junked-up garbage they are trying to leave behind on the East or West Coast. They come to Montana to have an uncluttered, pure existance.

To better establish the validity of what I am contending and to give an idea of devaluation caused by power lines, I offer the following example - I use my own ranch: It encompasses about 1,240 acres located primarily in Sections 31 and 32, T14N, R13W. The north boundary is the Blackfoot River and the south is 700-foot cliffs. The scenic beauty and privacy are impressive. The ranch would be worth approximately $550,000.00 on today's market (largely due to the seclusion and magnificent scenery). Should the Montana Power Company run the large power lines through this ranch, I estimate that

-7015-

it would be hard to sell this property for $300,000.00 (maybe even impossible)!

The prettier the scenery, the better the amenities such as fishing water and good hunting, the higher the land's value to an outsider. BUT, the outsider will be the first to avoid a property crossed by, or in view of, the monstrosities that the Montana Power Company would like to string across Montana.

I would estimate that the power lines would, depending on the scenic and recreational qualities of the land, lower values from 25 to 50 percent.

HEARINGS EXAMINER: Under our procedure, your written statement will be made part of the record and then the opposing counsel has the right to cross-examine you on it, so you don't have to reread it into the records. If you are ready, gentlemen, you may cross-examine, Mr. Ross.

EXAMINATION OF PAUL BRUNNER

Cross, by Applicants

By Mr. Ross:

Q Mr. Brunner, when did you decide to testify in this hearing?

A Well, I have wanted to testify for several months, and I started asking around as to how I could offer testimony. I would say probably last fall or so.

Q Who did you ask how you could provide testimony?

A Well, I got ahold of Tom France; someone told me that if I talked to him he could tell me what to do, and he explained to me that I should send this testimony in and I could testify. I've known Tom since college days.

Q Are you a member of the Northern Plains Resource Council?

A No, I'm not.

Q Have you ever contributed to them?

A I don't think I have.

Q Who is Tom France?

A Tom France, as far as I know it, is the fellow that is working with or for the Northern Plains Resource Council.

Q Did you prepare the statement yourself?

A Yes, I did.

1 Q Did you have any help in typing it?
2 A My secretary typed it for me. I'm a lousy typist.
3 Q Did Tom France give you any guidance on how it should be
4 prepared?
5 A Not at all.
6 Q You say in your statement that you have been asked to provide
7 testimony; who asked you to provide testimony?
8 A Well, several people came to me, friends of mine that are
9 concerned with the power line, and asked me what was the
10 likelihood of getting a fair appraisal, and judging from what
11 I had heard and from what I know to be fact on some other
12 appraisals, I told them that if the power line went through
13 they weren't going to get treated fairly, in my estimation.
14 And they asked me if I would come over, and these were people
15 from the Blackfoot valley where I live, where the power line is
16 supposed to go through.
17 Q Can you give me the names of these poeple?
18 A Do I have to?
19 Q If you know them.
20 A Yes, one of them was my folks who own a ranch -- we are not sure
21 if the line is going through there or not because they bought
22 it on a contract and the previous owner retained some of his
23 land and all that we know is that some of his land, whether it
24 be what my folks bought or not, is going to have a line through
25 it. And my brother-in-law asked.
26 Q And what's his name?
27 A James Neaneth. He is managing that ranch at the time. And
28 several other people that just came up to me at power line

1 meetings that I attended said, would you please try and help
2 on this issue, and I don't really honestly recall their names
3 offhand.
4 Q Do you know if any of them were associated with Northern Plains
5 Resource Council?
6 A As far as I know, no one in the valley is directly associated.
7 We've heard about them; we've read some of their literature,
8 but I don't believe anyone has contributed. I can't tell; I
9 don't know what their personal financial things are.
10 Q How old are you?
11 A 33.
12 Q How long have you lived in Montana?
13 A 8 or 9 years, maybe 9 years.
14 Q Where did you live before that?
15 A Connecticut.
16 Q When did you receive your degree from the University of Montana?
17 A I think maybe 1970 -- '70 or '71, I've kind of forgotten.
18 Q How long have you worked for Eco Realty?
19 A I am Eco Realty. I started the business, I think it will be
20 5 years ago in June.
21 Q You started it yourself?
22 A Yes.
23 Q Is there anyone else working with you?
24 A I sold a half interest in the business the following year, so
25 I have one partner.
26 Q And what's his name?
27 A Michael Chandler.
28 Q On page 2 of your statement, in the first paragraph, you say

1 that buyers will not buy ranches if they are cluttered up, and
2 they don't want the same thing they left behind in the east.
3 Are you suggesting on page 2 that it would be better for
4 Montana to just be a recreational place and a place for scenic
5 development rather than have industrial development?
6 A Absolutely. I'd like to expound on that a little if I might.
7 Q All right.
8 A Recently a professor at the University of Montana did a study
9 on the use of the national forests in Montana, and I'm going to
10 quote figures that I'm relatively sure of because I didn't
11 write them down, but he quoted that of timber sales in the
12 state of Montana, the actual money that accrued to the state
13 of Montana, that stayed in Montana, was in the neighborhood of
14 30 million dollars. Those same national forests, strictly being
15 used by recreationists, yielded to the state of Montana almost
16 double, and the resource was not changed, altered or damaged.
17 And the point I tried to make here was that Montana's future,
18 as I see it, is in its recreation and its scenic beauty and its
19 agricultural potential. We get into philosophical things pretty
20 deeply here, but time and time again it's been proven across
21 this country that industry does not pay for itself, and the
22 damage to the environment that is resultant is -- well, that's
23 why we have the tremendous recreational pressure we have in
24 Montana, because people cannot tolerate the monster they've
25 created back there, and back there meaning wherever they've
26 done this, west coast or east coast. They come here to get
27 away from it, and Montana is not suited to industry in terms
28 of its ecological situation, and what I'm saying is that by

1 putting this power line through you're going to greatly damage
2 the recreational potential of the state, and that's where the
3 potential income for Montana comes with the least amount of
4 damage.
5 Q You mention in your statement that you've sold a number of
6 ranches to people from out of state that have come here to
7 Montana because of its scenic beauty. Could you give me the
8 average price or just a ball park figure on what you sell those
9 ranches for to out-of-state people?
10 A That's very difficult, because I've sold parcels of ground --
11 I tried to make it a point in here -- you'll notice at the top
12 of page 2 it says land-ranches. Obviously 40 acres is not a
13 ranch. I have sold a very few 40 acre parcels. Primarily what
14 I sell is ranches, land from 320 acres on up which could be
15 termed a ranch. You're asking me a very difficult question.
16 I've sold small ranches for $1000.00 an acre and I've sold
17 large ranches for $200.00 an acre, and the ones that go for
18 $200.00 an acre are huge and they have a great deal of
19 agriculturally marginal ground, mountainside, so I would hate
20 to have to generalize. I would say on the average sale, which
21 runs around 1000 acres, the average price per acre would be
22 from $400.00 to $500.00.
23 Q These larger ranches that you sell to people from out of state,
24 are those people primarily people that have made their money
25 out of state or either have money and they come in to buy this
26 ranch more as just a recreational place or rather as a business
27 venture?
28 A In the 30 properties I mention here I've never sold one that

1 was a business venture. They are recreation oriented properties,
2 fine hunting and fishing and fine scenic value and tremendous
3 environmental value.
4 Q Well, you're not suggesting are you that we not try to develop
5 industry in the state, but rather make it, as someone has said,
6 make it a big country club, just as a recreational thing?
7 A You're leading me. I'm in business, and I am not such an
8 idealist that I think I can go into business without making
9 a profit. I come from a business family. I am not opposed to
10 the profit motive at all; I am opposed to the profit motive
11 when it destroys the resource without any thought to future
12 generations. I don't think Montana could ever be a big country
13 club, and I know many people in this state are bitter about
14 that terminology. What I am saying is that industry has a
15 very detrimental effect upon Montana's scenic beauty, and its
16 scenic beauty is its big selling aspect, I guess. Historically
17 people come here for the recreation and scenic value; they do
18 not come for industrial values, and I think we would be making
19 a tremendous mistake to sell that tremendous potential we have.
20 You want to keep one thing in mind; mountains can be viewed for
21 thousands of years without ruining them, but mountains can be
22 strip mined for about 30 years and they're gone forever.
23 Q Well, isn't it true that a transmission line could be built
24 across Montana, and it's not going to affect a big majority of
25 Montana in any way?
26 A It's going to affect a lot of Montana because Montana, in terms
27 of my real estate function, is valleys; people are buying river
28 valleys. Each river drainage is different, and when I tell

1 people -- when people come to me and say they want to buy a
2 ranch, I say let's take five days and let's drive around Montana.
3 We don't look at ranches; we look at river drainages, and I
4 find out if they want to live in the Flathead, if they want to
5 live in the Swan, if they want to live in the Blackfoot, if they
6 want to live in the Rock Creek drainage, or the Little Blackfoot
7 River drainage, because each river drainage has its separate
8 climatic systems and its separate ecol system. The Big Hole
9 valley, for example, is totally different from the Flathead
10 valley. And what the power company is proposing to do is to
11 run a power line through the Little Blackfoot and Blackfoot
12 river drainages and these drainages are immense, and my feeling
13 is that they are going to destroy a great portion of the scenic
14 value of these two drainages, and they're going to have a great
15 deal of effect on the life style of the people in that area
16 because -- I'll tell you very honestly and frankly, ranchers
17 in the Blackfoot valley that have to suffer with that power
18 line going through are going to try and sell, and they're
19 going to have to sell way below their real valuation. They're
20 going to leave and we're going to have new people come into the
21 valley and the life style is going to be altered forever, and
22 I think this is why you're going to find you're going to have
23 a great deal of opposition from the Blackfoot river drainage,
24 because it's an immensely beautiful piece of ground and this
25 line could do a great deal to destroy it.
26 Q Do you know if the applicants' preferred route for the trans-
27 mission lines go by your ranch?
28 A Looking at the map, which I did -- we had a meeting in Helmville

that I attended because I was curious to find out. It looks as though the line will not be visible from my ranch and it definitely will not cross it, but I'm not sure if the maps I saw are the route they're going to take ultimately or the one they've kind of planned out.

Q Isn't it true then, if that is correct, that it's not going to cross or be visible from your ranch, that it's not going to have an effect on your ranch?

A I can't really answer that, because I don't know what's going to happen to the ranches around my ranch as a result of the power line.

Q And aren't there going to be a lot of other ranches that this line wouldn't be visible from or wouldn't cross?

A This is true, but I want to point out again that I don't know what effect it's going to have on the ranches surrounding mine, and whatever effect it has on them will ultimately affect me. It's just as if a neighbor subdivided the ranch adjacent to mine; it ruins the value of my ranch.

Q Do you have any evidence in the form of particular cases where a ranch has been offered for sale and after a transmission line has crossed it it's diminished in the magnitude of $550,000.00 to $300.000.00 as you suggest on pages 2 and 3 of your statement?

A I can come close. We had two ranches that we listed in the Blackfoot valley that had power lines on them when we listed them, and both ranchers said, I want to sell for X number of dollars, and I tried to explain to them that although other ranches had sold for X number of dollars that I didn't think

these ranches would bring it because of the power line, and I ultimately took the listings at their figure. I had an exclusive listing on one ranch, which is the Winding Waters Ranch on the Blackfoot River, and I had an open listing on the Athern Ranch, which is on the Blackfoot River. I listed the first ranch at $500.000.00, which it probably, in my estimation as a real estate broker, would have brought had it not been for the power line. I listed the other ranch at approximately $750,000.00. I showed these ranches, one ranch over the period of two years, one ranch over the period of a year. I showed them to people that I had worked with for a great deal of time, people that had complete confidence in me. I knew what they wanted. I might just deviate here a second to explain that many of my buyers will come out and look at Montana the way I describe; we'll run up and down river drainages and get to know the land, and they won't find what they want and they'll go home and say, "You look for me, and when you find what you think I want, call me." And many times I do this. I know a person fairly well; I find something that I think will fit; I call him, he flies out and he looks and so on. I showed the Winding Waters Ranch twice and my partner showed it, I think, twice. I showed the Athern Ranch 8 or 9 times and every single time without fail the objection was raised by the eastern buyer, "There's a power line going through there; I think that's ugly; I left that behind." In fact, I would like to make this known. This is one of the reasons for my statement because this taught me. Another point in contention is the area around Fish Creek, Thompson Falls, Noxon, where these big lines go through right

now. My partner used to do quite a bit of selling in that area, or tried, and I had taken listings in that area, and about three years ago we decided not to deal with property in that area anymore because all we ever got was objections about the power line. As a result, in five years I never sold a piece of ground there. Every time I'd take someone up there they'd see these lines roaring up over the hills and they'd say, "I don't want to live here." This is fact.

Q Have you ever had a case where, as you suggest here, you think that the ranch will bring a certain price and then a transmission line comes along, and then the price goes down?

A No.

Q You haven't? Okay.

A We haven't seen any power lines built lately.

Q You mentioned that a transmission line could change the life style. Well, isn't it correct that by selling the ranches to people from out of state, east or whatever, that that also might change the life style? I think I can give a particular example where my cousin had a cabin up in the mountains and sold the area around there to a large interest in the east, and he complained about that because his gates were locked and that sort of thing. My question is, isn't it true that by selling these ranches to people from out of state that that also might change the life style in the valley?

A I would say the chances would be significantly less, and I'd like to explain why. In my statement, I mention that I'm an environmental real estate broker. There are two of us in this country. We specialize, absolutely completely specialize, in

nothing else but protecting land from subdivision. As an example, I'll use a ranch that we sold in the Blackfoot; I'd rather not mention the name of the buyer or seller, but if it ever became a question of integrity I could provide the sale agreement. The property was 1802 acres; it had six miles of Blackfoot River frontage, and President Nixon's attorneys, the two that were disbarred for the Watergate problem, Comback and DeMarco, owned it, and their intent was to subdivide this land into 10, 20, 40 and 80 acre tracts. Now this would greatly have changed the life style of the people in that area, and I was contacted by a state agency of a national conservation group and asked to help, and I did sell the ranch. And the people that bought the ranch, as part of the sale, had to donate a conservation easement to the nature conservancy, and this easement has been donated, it's a matter of record, or will be in a few days, I guess. This ranch can never be subdivided. The conservation easement expressly prohibits subdivision of any kind. It dan't even by cut once down the middle into two 900 acre parcels. What I'm pointing out is that we deal only with this type of sale. The people that buy ranches from us either donate conservation easements or accept the most stringent deed restrictions against ever subdividing. So the land will remain intact; only the people who live in the house will change. The power line going through this valley may destroy everything we've worked for to keep it as it is because all of a sudden 8 or 10 ranches may come on the market, and the Easterners who are willing to accept the deed restrictions will not buy these because of the power lines. People in Montana who buy land

will not accept these deed restrictions; they are not geared for it; they do not understand it; they are not conservationists in many instances. So what I'm saying is, the people with the most money who are conservation oriented come from the east or the west coast, and if we were faced with 8 or 10 ranches on the market, with power lines going through them, all at once, they would ultimately be sold to people who would not put restrictions on them, who might be developers, and there would be nothing we in the valley could do to stop this. My contention is, then, if the line went through, there is a very significant chance that we may be faced with a great deal of subdivision, which will completely mess up our schools, our town, our road facilities, our tax base and everything else.

Q Are you aware that there are other real estate appraisers and people dealing in real estate that say there is no diminution in the value of property because a transmission line runs across it?

MR. GRAYBILL: To which I object as not a correct statement of the record. If he wants to ask if he knows of such people, that would be fine, but to say that there are such people, there's no proof of that in this case.

MR. ROSS: I asked him if he were aware of that. Are you aware of that?

HEARINGS EXAMINER: Well, why don't you rephrase it, if he's aware that there are such people.

Q Are you aware that there are other people that say there's no diminution in the value of property because a transmission line crosses it?

1 A Yes, I am, and I'm aware that that appraiser, Russell Gosser,
2 made the appraisal on the Bitterroot line, and that the court
3 overruled the appraisal and awarded significantly more money,
4 and I don't think they awarded enough as it were. I also might
5 add that I've seen appraisal work that this party has done on
6 other properties, and very soon after the appraisal there
7 have been offers made on the property $200,000.00 to $300,000.00
8 more than the appraisal, which indicates to me that the appraisal
9 techniques in this state are grossly inadequate and way behind
10 times.
11 Q But you are aware that there are other appraisers that say this
12 does not affect the value of the property?
13 A You bet.
14 Q Do you think that the benefits of transmission lines, such as
15 providing a regional grid with other utilities and providing
16 taxes to the counties and, of course, providing energy -- don't
17 you think that these type of benefits have to be weighed
18 against the things that you say are objectionable?
19 A I would like to know who is doing the weighing. Another aside,
20 I just got back from Phoenix on a business trip there, and I've
21 never seen a more incredible waste of electricity in my entire
22 life. And I can remember vividly driving to San Francisco and
23 coming over the hill at 2:00 in the morning to be within the
24 visibility of Reno, where entire buildings were lit up with
25 neon lights just to attract people there. It's my feeling that
26 today's energy consumption in this country is the most gross
27 misuse of a natural resource I've ever seen in my life. To
28 get back to your question, absolutely, to me the recreation and

environmental situation in Montana so far outweighs the so-called benefits of electric shoe polishers and who knows what other electrical contrivances that I don't even have to think about that question.

MR. ROSS: I would like to move to strike the answer regarding the trip to Phoenix and the trip to Las Vegas as begin unresponsive to my question.

MR. GRAYBILL: Your Honor, I believe it's responsive.

HEARINGS EXAMINER: Overruled.

Q Electric shoe polishers and that sort of thing aside, don't you think there are other benefits, though, of electrical energy and, therefore, resulting benefits from transmission lines?

A No, because I believe that by utilizing electricity in a sensible manner and doing away with the things that we don't need, we have adequate electricity to take care of this country for generations.

Q Have you made any studies on that?

A Obviously not, I'm a real estate broker.

MR. ROSS: No further questions.

HEARINGS EXAMINER: Mr. Graybill.

Redirect, by Northern Plains Resource Council

By Mr. Graybill:

Q Well, Mr. Brunner, let's assume that there were evidence in this case to show that the coal could be moved closer to the load centers so that we were using the railroads to move the energy rather than the power lines to move the energy; in that case would you have any objection to more electrical energy being

generated?

A None at all. I see no reason -- we have railroad tracks here now. People are used to them; they are accepted; we are not going to do any environmental damage by shipping the coal elsewhere, nor do we have to worry about the resultant air pollution that is going to occur over in the eastern part of the state.

Q So your objection is not to the electricity as such, it's to the results of this particular plan for generating electricity is that the idea?

A By and large, yes.

Q Now, I'd like to go back to some of the things you and Mr. Ross discussed earlier because I'm not sure that I understand. Explain again to me the type of realty business that you are in, or that you do?

A I'm an environmental real estate broker. Several years ago I became dismayed at what real estate brokers were doing to the state of Montana in pursuit of the fast dollar, and at that point I decided that I could not remain in the real estate field in good conscience because of my feelings about the land unless I did something to protect the land. So I decided to try a wholly new concept that had never been done, and that is being a real estate broker, making a good living, but protecting the land would be the paramount idea. So I am an environmental real estate broker. I work with national conservation groups; I work with local conservationists and I work with people who have a land ethic all through the country and have, fortunately, the money to buy the land and preserve it.

1 Q Well, particularly with regard to Western Montana, what can
2 you say relative to what is the salable feature of Western
3 Montana? In other words, is the prime salable feature the
4 beauty, or is it the agriculture, or is it the resources, in
5 your view?
6 A It's a hard question to answer. It's something that you have
7 inside of you, and at this point, I guess, I should be a little
8 bit braggadocios and say that I think that I'm probably better
9 qualified to judge what is salable in Western Montana than any
10 other broker in the state because I am an Easterner. I came
11 here from the east because I could not take any more of what
12 we had done back there. Many real estate brokers have asked me,
13 "How could you sell that ranch for that price? What is the
14 big drawing card?" They're looking at it through Montana eyes;
15 I'm looking at it through Connecticut eyes. I'm able to look
16 at a piece of ground and I'm able to know what an Easterner
17 will appreciate about it. Every Easterner and every west
18 coast person and every buyer I've had has different ideals, but
19 I would say paramount is beautiful mountains, clear rushing
20 water that you can walk over and drink and not have to worry
21 about getting some sort of disease, looking out across a ranch
22 and seeing whiteface herefords or Angus cattle grazing in the
23 sun, watching a haying operation, knowing that there are elk
24 and deer around, wild turkeys, great trout fishing. It's
25 almost impossible to say what it is for each individual buyer,
26 but it is not industry; it is definitely Montana as we live it
27 today.
28 Q Have you found these elements that you've described, and others

1 like them to be salable commodities?
2 A Oh, you bet. I'm almost sorry that they are so salable. This
3 is where the subdividers have done so well. People want to
4 move here. There are people begging to come here.
5 Q Well, you talk about -- you contrast that with what you call
6 industry, but in fact isn't what you, I think, described as
7 recreational ranching -- or isn't this beauty and the sale of
8 it and the preservation of it in a sense one of Montana's
9 prime industries?
10 A I think it is Montana's prime industry. I can never think of
11 it as industry. I'm sorry, the term means something else to
12 me, but I think you're right.
13 Q It's a business, though, isn't it?
14 A Oh, you bet.
15 Q In other words, you're telling us that it has an economic value
16 to the state of Montana; isn't that right?
17 A It has a great economic value because the people that buy these
18 ranches are wealthy, and they spend a great deal of money in
19 Montana. Real good examples are people that buy these ranches
20 that do not really function as cattle ranches, and they will
21 invest a great deal of money and make them function as cattle
22 ranches. They'll buy a 200 cow operation, which is not some-
23 thing you can make a living on today, and they'll upgrade the
24 facilities incredibly; they'll put in sprinkler irrigation;
25 they'll maybe run registered cattle which, of course, bring
26 usually twice as much as grade cattle, and they will make a
27 viable operation out of it and infuse great deals of capital
28 into the state economy.

Q Have you, in your experience in Western Montana, seen this type of recreational ranch bring economic benefits to the areas in which these people settle?

A May I elaborate? I used my ranch in here as an example, and I've already told you that I am an Easterner. When I bought my place it would run approximately 50 cows; it was desperately overgrazed; it had no irrigation. In the past five years I let the land lie fallow for two years, encouraged the deer and elk to come back, and I've spent over $150,000.00 on equipment and irrigation systems and at the present time I'm running 30 cows. Now obviously I'm infusing a great deal of capital into the state as would any other Easterner. I'm improving the land so when I get through my ranch will run, instead of 50 cows, 75 to 125. Should I leave the land it will be in better state, in terms of economics and in terms of land use, than it was when I got to it. So I think this would be a very valid way of pointing out -- this has also happened with clients, but I hesitate to mention names because this breaches privacy.

Q Well, what would be the effect of the two 500 kV power lines proposed here on a steel towered power line with a 300 foot right-of-way, and what would be the effect of such a line on the type of recreational ranching that you're describing?

A It would be devastating because we're not just talking about the land underneath the line; we're talking about the ranch surrounding the line and I think I gave a pretty good example here in the testimony. Take a 1000 acre ranch, run a line smack-dab through the middle of it, and you have not just destroyed 64, or whatever acre it is they're going to allow for the right-of-

way, you have destroyed that ranch in terms of scenic value. In addition to that, if the ranch who is neighbor to you can see that line, if it's visible to him or if he has to drive underneath it or anything else, you've destroyed the value of his ranch to some degree. And this is one of the reasons I wanted to testify; I'm gravelled about this. I feel that anybody who is damaged in any way whatsoever by that line must be reimbursed.

Q In addition to the scenic value -- I understand the scenic value and that would -- if it's a recreational type ranch, I take it that would destroy or at least lower the value of any land within reasonable visible distance from the power line; isn't that the idea? If it went down the valley, it destroys land even that isn't under the line; is that your idea?

A You bet.

Q All right. Now, in addition to the scenic value, what other disadvantages does this have for the type of operation you've been talking about?

A Well, I'll again use an example of my place. I have about 210 acres that I have not been able to afford an irrigation system for at the time, and should the line go right through that meadow, I would not be reimbursed on its basis of a sprinkler-irrigated meadow, but my soil conservation plan is now in process; I've filed water rights; I'm going to be irrigating. So I would not be reimbursed directly on that score, plus I would have to undoubtedly have split sprinkler irrigation systems which would cost anywhere from 30 to 50 percent more. The future damage is something that no one seems to want to

1 talk about, but yet the rancher has the potential in the future
2 to sprinkler irrigate an area; this potential should have some
3 value.
4 Q In addition to Easterners, is the scenic value of Western
5 Montana appreciated by the long-time residents of the area?
6 A You bet it is. Those that are fortunate enough to own ranches
7 really appreciate it. Those who aren't appreciate it, but
8 they are not the ones we deal with because they don't have the
9 wherewithal to purchase these ranches when they come up for
10 sale. But, yes, I think native Montanans are really beginning
11 to appreciate their state, largely because of things like this.
12 They're beginning to find out that it could go another way.
13 I think the group that has gotten together to fight subdivisions
14 and power lines in the Blackfoot valley is a good representation
15 of this. People that I once thought of as old red-necked
16 ranchers who got up every morning and went outdoors without
17 seeing the mountains or anything, after talking with them I
18 find that they cherish every day they're there, and considering
19 today's cattle market, I can understand how much they're will-
20 ing to pay for the right to live there. I think most of them
21 are losing their shirts, but they won't give it up.
22 Q This line extends a little over 400 miles across the center
23 of Montana, from Colstrip to Hot Springs. Do you think that
24 has any general effect on the state of Montana as a whole from
25 an aesthetic point of view?
26 A Very much so, but probably in a roundabout way. My Eastern
27 buyers are going to see that this line went across the state --
28 let's assume that it goes. They're going to see that people

fought it and didn't win, and they're going to be afraid to buy land because they're going to be afraid that the power line or some big corporation is going to condemn their land and go through it. I gather that Montana is one of the very, very few states left in this country that allows corporations to condemn land and I think my buyers are going to be very nervous about this.

Q In other words, you think the effect of putting this line in might be broader than the area immediately encompassed by the line and might discourage persons from buying other land in Montana?

A Sure, absolutely, no question about it.

Q What's the effect on the -- you mentioned to Mr. Ross something about prices. You said that these recreational type ranches are selling anywhere from $200.00 to $1000.00 an acre, with an average of $500.00 to $600.00 an acre. What is the effect on these prices of power lines; do you have any idea of the magnitude of the change that the power line through a ranch like that might make?

A It's a value judgment, and I think this is why in my testimony I presented my credentials. I have sold more recreational land than any other broker in Western Montana. So I guess -- I hesitate to use the term expert, but I guess I'm becoming an expert in this, and because I look at it through Eastern eyes, I believe I'm doubly qualified to say what will happen. I really believe, honestly and firmly, that depending upon the individual ranch, and this, of course, has some bearing, that you're going to see anywhere from 25 to 50 percent reduction in

1 present value by these lines.
2 Q Now, at the present time, Mr. Brunner, the Montana Power Company
3 has been paying for grazing land at $50.00 an acre. Do you
4 find a lot of grazing land that you can sell for more than
5 $50.00 an acre if it doesn't have a power line on it?
6 A The last time that I saw a piece of ground in Montana for sale
7 for $50.00 an acre was eight years ago. There's no such thing.
8 Now I'm talking Western Montana. I do have friends who buy and
9 sell ranches over around the Cohagen area, and they consider
10 themselves lucky to get land for $90.00 to $100.00 an acre, and
11 they're buying it at that price.
12 Q Now, irrigated farmland, the power company has been paying for
13 right-of-way, $400.00 an acre. What do you find the average
14 price for irrigated farmland in Western Montana is?
15 A Well, the irrigated farmland that rarely comes on the market,
16 for example, on the bench area around Twin Bridges and Dillon --
17 we were looking for a piece down there for someone and the last
18 quote I had was $1500.00 an acre.
19 Q And the dry farmland, the power company has been paying $150.00
20 an acre for their easements; is that equivalent to the market
21 price for dry farmland that you're aware of in Montana?
22 A I would have to term that preposterous, especially with the
23 wheat prices we had last year; dry farmland is at a premium.
24 Q You've talked a great deal about the recreational oriented
25 properties in Western Montana. What have you to say about
26 agriculture in Western Montana? Are the valleys of the Blackfoot
27 that you've talked about and the Little Blackfoot that you've
28 talked about here part of the preferred routes? Are they

1 agriculturally important areas?
2 A They're agriculturally important areas definitely. We have
3 some fine cattle ranches in the Blackfoot, but if one of these
4 ranches today came on the market for sale, it would not sell at
5 a price that a man could go to the Federal Land Bank and get
6 a mortgage and raise cattle and pay it off. In other words,
7 to do that you have to buy a ranch at about $650.00 per cow
8 unit, that means cow-calf. I have not seen in five years of
9 ranch broking a ranch sell for under $1500.00 a cow unit,
10 absolutely not. Recently we sold the Mount Haggin cattle and
11 livestock company to the nature conservancy. That ranch went
12 for $1500.00 a cow unit, and that was over 100,000 acres. Now,
13 usually the bigger a property goes, down comes the price because
14 you're limiting your buyers, but it went for $1500.00 a cow
15 unit. So, yes, it's an important agricultural area, but if
16 these ranches come up for sale they're going to go at recreation
17 values.
18 Q But if we put the power line through, then we wouldn't be able
19 to sell them for recreational values; is that the idea?
20 A Absolutely not. My buyers just won't buy that sort of thing.
21 Q Near Missoula, where I believe you live -- isn't that right?
22 A I'm about 50 miles out of Missoula.
23 Q There is a lot of subdivided land in the valleys near Missoula,
24 right?
25 A Not in the Blackfoot, but, yes, in the Bitterroot valley there's
26 been tremendous subdivision.
27 Q What is the attitude of the person who has bought a small tract
28 to the power line. Does this enhance his small tract value?

A I really, in all honesty, shouldn't get too deep into that because we don't sell small tracts. We are opposed to subdivision; we don't, therefore, help subdividers sell their tracts. I'm sure that, in my experience as a real estate broker, these people are not happy with this.

Q Well, I appreciate the fact that your business is more specialized, but in a sense isn't the buyer of a subdivision tract in the mountains trying to do the same thing as the Easterner is doing, only on his own budget?

A On a smaller scale, budgetarily, yes, and under that light I would say, yes, he's going to be just as unhappy as anyone else. He's the same person without the same pocket book. He's there for the same reasons.

Q I understand your antagonism toward subdivision and breaking up of large landholdings to sell them in small tracts to individuals, but I think we could perhaps agree that there are places in Montana near populated communities or on fringe areas where this sort of thing does take place, and in that event, wouldn't the value of a ranch that has subdivision potential also be damaged by a power line?

MR. ROSS: Objection. This is leading.

Q Well, tell me whether or not it would be valued by a power line?

MR. GRAYBILL: Now, it's not leading, Mr. Ross.

A Whether or not it would be devalued by a power line; is that what you meant?

Q Yes.

A Definitely. Only the devaluation would be significantly larger

because subdivided land in the Missoula area is bringing $2500.00 an acre. That is a matter of fact in record. Instead of $500.00 to $600.00 to $700.00 an acre, you're talking $2500.00 an acre. A classic example there would be Sam McClay's ranch just south of Lolo. Now, he's not selling it for subdivision because he doesn't like subdivision, but it is potentially one of the greatest subdivisions in this whole state. I mean if anybody ever got ahold of it they'd have a bonanza there, and the value on that place, for example, if a power line went through it would be astronomical. You're talking 7000 or 8000 deeded acres of some of the prettiest land in this state. So the potential for subdivision definitely raises the price a great deal, and the devaluation by a power line would be significantly more.

Q Now I want to get this one point straight, and I think you did discuss it with Mr. Ross, but is it your opinion that a power line degrades or lowers valuation of land only that's crossed by the power line, or does it lower other land in the area than that crossed by the power line?

A Absolutely not. It lowers the value of adjacent ranches and ranches further away than just adjoining on a natural boundary. The power line is definitely going to affect the drainage or ranch area that it goes through, not only the deeded land that it crosses, but other adjacent lands and lands within visual reach, and there may be other effects due to local area changes in population and schools and everything else that are so far-reaching I wouldn't want to get into them.

Q And is this effect on adjacent land greater in areas where the

land is useful for recreational type farming that you've described?

A Definitely.

Q In other words, the more specialized the valley may be in terms of recreational potential, recreational ranching potential, the more beautiful it is, the more damage is done to the adjacent land; is that the idea?

A Certainly, because the beauty determines the valuation of the land. That's why I stated earlier that each ranch would be affected differently. If you take the Swan Valley as a very good example, land prices there are quite a bit higher than they are in the Big Hole or the Blackfoot because it's surrounded by great big mountains. The valley is only 18 miles wide and it's got a wilderness area on each side.

Q Now, Mr. Brunner, you said a few moments ago that if the energy were moved out on railroad trains by hauling of coal, that you really had no objection to energy being turned into electricity in another area. In other parts of the country, in fact some places in the east, a third alternative was put into effect in some places. What would you think of burying the cables?

A I'm not an electrician, but I've heard enough, and I'm sorry, it's hearsay, but I've heard enough that I would be petrified of such a thing; I really would. Plus I gather from what I have heard from expert testimony that there is no way that they can put lines of this magnitude underground, but I'll be darned sure I wouldn't be plowing around out there in my meadows.

Q Well, aside from the technological point of view, whether you can put it underground or not, let's leave that to the experts.

Would that have a tendency to preserve, or would that be a better solution in the case of recreational type ranching than the overhead line?

A It would be much, much better. I mean if the coal had to be burned in Montana and power had to be shipped, the effect would be a great deal less with an underground line because you can't see it, and the visual thing is the thing we're dealing with on these recreational buyers. They've seen enough skyscrapers and power lines that they don't want to come here to see them.

MR. GRAYBILL: That's all I have.

HEARINGS EXAMINER: Mr. Ross.

Re-cross, by Applicants

By Mr. Ross:

Q Your primary objection to the transmission lines is because of what you think is their aesthetic degradation; is that correct?

A Yes.

Q If it were -- if the evidence showed that it were cheaper to ship the power by transmission line rather than by rail to Montana and the Pacific Northwest, would you then still be for shipment of coal by rail?

A You bet I would because you're talking about cheaper to the Montana Power Company; you're not talking about cheaper to Montana. You can't make it cheap enough to override the environmental damage that you're going to do with those power lines. You're talking about millions of dollars over hundreds of years because these ranches keep selling year after year.

1 Q Are you aware that the costs of a project and the costs of
2 producing power are passed on to the customers and the public
3 in Montana?
4 A From what I understand, all this electricity is going to Oregon.
5 We're not the customers.
6 Q That is your understanding, that all this power is going to
7 Oregon?
8 A A great portion of it, that's my understanding, and I read the
9 newspapers.
10 Q Are you aware that the Montana Power Company historically has
11 imported about 20 percent of their power from Pacific Northwest?
12 MR. GRAYBILL: Now, I object to that as an incorrect
13 characterization of the record; there's no showing that
14 20 percent of Montana Power's power is imported; that's
15 an absolutely wrong figure.
16 MR. ROSS: I disagree. There's testimony in the
17 record from Roger Hofacker to that effect.
18 HEARINGS EXAMINER: Well'I'm not going to say what's
19 in the record. Roger Hofacker testified starting last
20 April 20th for one week and I can't recall everything he
21 said, but there's been a lot of figures thrown around,
22 but you've got your challenge in the record and when they
23 examine it they can determine if there is such evidence
24 because I can't remember that particular statistic. So
25 that's overruled and you can answer, but the board's, by
26 this note, attention be directed to the fact that there's
27 a challenge on that figure. So you may answer.
28 A I don't know how to answer this. I don't want to be antagonistic

1 but I guess maybe I'm going to say what's in my heart.
2 HEARINGS EXAMINER: Well, why don't you just
3 answer the question; are you aware of that fact or are
4 you not aware of it, that's all you need to answer.
5 A Well then, could he redo the question?
6 Q Yes, I'll rephrase the question. Are you aware that the Montana
7 Power Company has historically imported about 20 percent of their
8 power from Pacific Northwest?
9 A I am not aware of that.
10 Q When did you come here from Connecticut?
11 A About 8 or 9 years ago. I think maybe it was 9 years this
12 spring; I don't remember for sure, '67 or '68.
13 Q What did you do when you first came to Montana?
14 A I went to the University of Montana.
15 Q What did your family do in Connecticut?
16 A Lived there. My father has a business in Clinton, Massachusetts.
17 Q What type of business?
18 A Plastics and molding.
19 Q You indicated that you work closely with conservation groups.
20 Can you name some of those groups?
21 A Yes, I don't have any qualms about that. I've worked with
22 Trout Unlimited and I've worked a great deal with a nature
23 conservancy.
24 Q Have you ever worked with the Sierra Club?
25 A No, I have not.
26 Q I think you stated that the ranches that you sell in your
27 business are primarily to wealthy people from out of state; is
28 that correct?

A You bet.

Q Are you aware that a Dr. Paul Polzin, who is a professor at the University of Montana, has testified in this hearing that tourism and recreation provide very little to the economy of Montana?

A I'm not aware that he so testified.

Q The testimony that you give to the effect that transmission lines devalue land adjacent to where they cross, that's just your opinion, isn't it?

A It's my opinion based on observations of my clients.

Q And I think you testified that you're aware that other people in the real estate business and appraising business say that that value is not a recompensable value?

A I'm not aware of that. I haven't followed the real estate testimony in these hearings.

Q I'm asking are you just aware that -- outside of these hearings, are you aware that there are people in the right-of-way and real estate business that say that this is not a recompensable value?

A No, the talk I've heard among the real estate people that I have contact with indicates that they feel that the awards are not high enough in this matter and that they feel that they're damaging property values.

Q You're aware, aren't you, that the value, the recompensable value for right-of-way easements is subject to negotiation between the power companies and the landowners, and if that negotiation isn't sufficient to the landowner that he has other legal procedures to seek damages?

A Right. What you mean is, if he doesn't like it, he can take it to court. I know he can do that.

MR. ROSS: No further questions.

Re-redirect by Northern Plains Resource Council

By Mr. Graybill:

Q Well, in conjunction with this last idea that Mr. Ross has been asking you about, aren't you aware of the recent case in your neighborhood over there in the Wolf case in the power line down to Dillon, or down to Hamilton, that in fact the Montana Supreme Court has allowed damages for other land than the immediate land crossed. You're aware that severed land or other parts of a larger tract are a compensable damage in Montana, aren't you?

A I have not followed this. The only knowledge I have of the awards down in the Bitterrood -- I happened to talk to the appraiser, Russ Gosser, who appraised for the power company and he was rather upset because the courts ruled much higher fees, but I didn't -- I have not read the newspaper about that or anything.

Q Well, let's see if we understand what we're talking about here. Obviously we all know that the power company must compensate for the actual easement taken?

A Right.

Q And then, if there is other land adjacent to the easement taken that is also part of the tract, which becomes severed from other parts of the land by the power line, do you understand that that's also compensable?

1 A Yes. I didn't understand your question. That, I understand.
2 Q And what you're saying is that this is not the limit of the
3 damage done by a power line; isn't that what you're saying?
4 A Absolutely. I'm saying that the damage extends for a much
5 further distance to other property owners.
6 Q But that, in fact, in many cases other property owners don't
7 get any compensation at all, do they?
8 A Absolutely. They suffer the consequences and get zip out of it.
9 Q And what you're saying here is that if this power line is put
10 400 miles across the state of Montana, 300 feet wide on these
11 big steel towers, that a lot of people that sit just off the
12 line or off a few miles even are going to suffer damage even
13 though they are not going to be compensated?
14 A I would say that that is absolutely so. They'd be much more
15 realistic if they started talking a mile or a mile and a half
16 wide.
17 Q And I understand that your testimony here is directed primarily
18 toward an aesthetic damage; that is, you feel that the view and
19 the beauty of the area is actually damaged; is that your idea?
20 A Yes, aesthetics is my primary concern because that's what I
21 deal in.
22 Q And that you're saying to us and to the board that aesthetics
23 do have a real value in Western Montana?
24 A They are a tremendous percentage of the real value, maybe half.
25 Q In other words, the land in Western Montana is partly valued
26 because of its aesthetic nature rather than its productivity,
27 for example?
28 A I think you're underrating it when you say partly. I think

half because highest and best use means the ultimate highest price and the people that are paying the highest price are buying mountains. A thousand acres is not what they're buying; they're buying a thousand acres and all the land around it and everything they can see and the things that they can do.

Q And do you mean then that the highest and best use includes, or a factor of it is the aesthetic view of the land?

A A very significant factor is the aesthetic and the scenic qualities of the land.

Q Now, awhile ago Mr. Ross asked you a question in which he used the word cheaper. He said if building the power line was cheaper than hauling the coal, wouldn't you be in favor of it then, and you objected to that; what's your objection to that? Don't you think a cheaper power line is a good idea?

Q I think maybe I share the skepticism of a great deal of Montanans. If cheaper means the Montana Power Company makes more fast bucks and stuffs them in their pockets, then I'm sorry if my emotions are coming through here, but I don't think anybody in this state trusts these people, and cheaper is cheaper to Montana Power; it's more profit. Cheaper does not mean of less benefit to the state of Montana, to the people.

Q Aside from your feelings about the Montana Power, which I may or may not share -- I don't want to lead you here. What I'm getting at is, is the total cost of a power line, in your view, represented by the cost of the facility as built by the power company, or is there an additional cost to the people of Montana and the landowners along the line?

MR. ROSS: Objection. Leading.

HEARINGS EXAMINER: Sustained.

Q All right. What other costs to a power line do you see than the construction cost?

A I tried to explain this to Mr. Ross. If I may take a little time -- let's put a power line through the Blackfoot River drainage, and we will destroy land values and we will forever degrade the scenic values of that valley, and we have saved a little money sending the power to Oregon rather than doing it some other way. The point is that the land values will forever be brought down in that valley. Now, if we don't put that power line through there, these land sales are going to go on year after year after year, 500 years if we're still around. Those ranches may change hands -- let's say there's 250 ranches in the valley -- there may be a thousand transactions in that valley in 500 years. These transactions will be for a significantly less amount of gross purchase if that line goes through, so the net effect to me on the economy of the people of that area and the entire state is greatly diminished by the power lines. That's why I said cheaper is to the Montana Power Company; cheaper is not to the people of Montana and to future economics.

Q Actually, is a power line then, in your view, more expensive to the people of Montana?

A Tremendously so.

Q And a railroad, for example?

A Sure. The railroads are there. We can't complain about them; people have learned to live with them; they've been there since 1860. The power line is not there; people don't like power

lines. There's a lot of worry about electric damage and everything else, and the net damage to this state by power lines could be incredible; it could be incalculable.

MR. GRAYBILL: All right. I think that explains what I was trying to understand. Thank you, Mr. Brunner. I'm finished, Mr. Ross.

Re-re-cross, by Applicants

By Mr. Ross:

Q Do you put highways in the same category as transmission lines as far as having an aesthetic effect on the land?

A No, because your highways -- I see problems with highways, but the highway is flat on the ground and your power line is up in the air and these are going to be massive towers, and it's going to be view-restricting. There's a number of other factors that would come to me that would make this comparison inadequate.

Q Are you aware of a recent editorial in the Missoulian that said that higher compensation in condemnation cases are passed on to the public?

A I did not read that article.

MR. ROSS: No further questions.

MR. GRAYBILL: I have no further questions.

HEARINGS EXAMINER: Very well, sir, you're excused.

(WITNESS EXCUSED)

MR. GRAYBILL: Mr. Hearings Officer, I wonder if we could take up those motions. I have a witness that's landing on the plane at 10:20.

HEARINGS EXAMINER: Are there any other witnesses

present here?

MR. GRAYBILL: I don't know. I may need a little recess to find that out.

HEARINGS EXAMINER: All right. Let me rule on a motion. On yesterday, Northern Plains Resource Council Exhibit number 9, which is a letter from Consolidated Coal Company to the Northern Cheyenne Tribe, dated July 7, 1972, is refused. And the offer of proof which we will number subsequently because I don't know whether it's 2 or 3 for sure without looking through my other notes, which is a memorandum from John Ross to J. A. McElwain, J. T. Evans, dated March 25, 1974, which is an offer to put into evidence Northern Plains Exhibit number 10, which specifically refers to a meeting to be held April 4 and 5 at the Department of Natural Resources in Helena, is refused. Very well, we will be in recess until you have your next witness.

(BRIEF RECESS AT 10:25 P.M.)

Following a brief recess, the hearing reconvened at 11:00 P.M. on March 3, 1976.

HEARINGS EXAMINER: We will reconvene.

MR. GRAYBILL: I will call Richard Hope.

RICHARD HOPE, called as a witness by the Northern Plains Resource Council, having been first duly sworn upon his oath, both as to his written direct testimony and as to the oral testimony to

follow, was examined and testified as follows:

(THE WRITTEN DIRECT TESTIMONY OF MR. RICHARD HOPE WAS DIRECTED TO BE INSERTED AT THIS POINT.)

STATE OF MONTANA

BEFORE THE BOARD OF

NATURAL RESOURCES AND CONSERVATION

STATEMENT OF

RICHARD HOPE

My name is Richard Hope. My address is Big Horn, Montana. I own and operate the Doorkey Ranch, located on Tullock Creek eleven miles south of the town of Big Horn. The ranch has been in my family since 1910 when my parents homesteaded the land. We run a basic cow/calf operation.

My testimony on the two 500 k.v. transmission lines from Colstrip to Hot Springs is given on behalf of myself and my neighbors who are members of the Central Yellowstone Landowners Association, an affiliate of the Northern Plains Resource Council. We are very concerned about the effects that these lines will have on our ranching operations. We speak from a position of experience, because most of us are already crossed by the Colstrip to Broadview line.

Our experience with the Colstrip to Broadview line has not been good. During the construction of the line, and the cutting of the sod, the use of heavy equipment caused a large amount of dust in the air. This dust settled on the grass for

ab ut a mile on each side of the immediate right-of-way. Cattle will not eat dirty grass; thus, our loss of production during construction was far greater than the utilities' estimates. In addition, dust in the air and on the grass can contribute to water belly in steer calves. Water belly is a condition caused by a blockage in the urinary tract. If not detected early, it is fatal; even if detected and treated, water belly causes reduction in the market value of the animal.

Also, during the construction of the line, heavy construction equipment traveled extensively on county roads. These roads are important, for obvious reasons, to local ranchers and farmers. Yet damage done to our county roads as a result of heavy construction equipment travel was not repaired by the construction company. Extensive damage was also done to county cattle guards. As in the case of damage to the roads, the repairs will be at the expense of the county taxpayers.

Once construction is completed, we know that our troubles will not end. It is questionable whether or not cattle will graze under these lines while the lines are operating at full load. I have observed cattle near the Bureau of Reclamation line from the Custer substation to Glendive. I have never seen cattle grazing immediately under the line.

We also anticipate trouble with flying near the Colstrip to Hot Springs lines. Many of the ranchers in my area

make extensive use of aircraft for spraying, observing and predator hunting. In open country, one man can fly his plane and at the same time check his cattle or spray for weeds. However, with the increased hazard to low-flying aircraft caused by the high transmission towers, it will now be that two people will be required to do the work one man used to accomplish alone.

It is my hope and the hope of the Central Yellowstone Landowners that this Board will deny a permit for construction of Colstrip Units 3 and 4, thus saving us from another large transmission line.

HEARINGS EXAMINER: You may cross-examine, Mr. Bellingham.

EXAMINATION OF RICHARD HOPE

Cross, by Applicants

By Mr. Bellingham:

Q Mr. Hope, you indicate in your statement that your address is Big Horn, Montana. You own and operate the Doorkey Ranch, Tullock Creek, 11 miles south of the town of Big Horn. Would you place the town of Big Horn as how many miles from the nearest town so that we can pinpoint it?

A Big Horn is about 7 miles from Custer and 15 or 16 miles from Hysham.

Q And from Hysham it's located in what direction?

A Hysham is located in the Yellowstone Valley and it's the county seat of Treasure County.

Q But as far as your location, you say you're 15 miles from Hysham, approximately?

A The ranch is.

Q Yes, I say what direction from Hysham?

A South. Directly halfway between Hardin and Hysham.

Q Now, as I understand it, this Doorkey Ranch is owned entirely by you?

A I'm one of the stockholders, yes.

Q Is it a family owned company?

A Yes.

Q Are there other stockholders?

A Yes.

1 Q You own the majority of the stock, I take it?
2 A Yes.
3 Q How much of the stock do you own?
4 A About 90 percent.
5 Q And who owns the other 10 percent?
6 A My children, Tom, Lucy Ann, Al, Jesse, and Joe Upton.
7 Q And this ranch has been in your family since 1910, is that
8 correct, and I assume it has been inherited by you?
9 A Correct, yes.
10 Q And how large a ranch is that?
11 A Oh, it's probably about 35,000 acres.
12 Q Is that fee land, when you say 35,000 acres?
13 A Deeded, you mean?
14 Q Yes.
15 A Yes, approximately, yes.
16 Q When you say approximately, is any of that 35,000 acres leased
17 land?
18 A There's not -- I don't have the figures, but there's not too
19 much leased land, probably three school sections, a little bit
20 of Indian land, a little bit of privately owned land.
21 Q Three school sections, you lease those from the state of
22 Montana?
23 A Yes.
24 Q And Indian land, how much Indian land?
25 A I suppose it would be about four sections altogether in the
26 whole outfit.
27 Q And do you lease those sections from individual Indian owners?
28 A You have to lease them from each individual, yes.

1 Q It's not tribal land?
2 A Well, tribal land runs in fairly small -- 40 acre lots and stuff
3 like that. Most of it is allotted to allottees, you know.
4 Q Individual Indians?
5 A Yes.
6 Q And then you say you also lease from deeded landowners; is that
7 correct?
8 A Yes.
9 Q How much there?
10 A Probably about two sections, maybe three altogether.
11 Q Two or three sections from individual owners, is that right?
12 A Yes.
13 Q Now, you say your testimony is given on behalf of yourself and
14 other members of the Central Yellowstone Landowners Association.
15 You are a member of that are you?
16 A Yes, I'm a cochairman of that group.
17 Q What is that group anyway?
18 A It is a group of landowners that went together to form this
19 Central Yellowstone Landowners Association to find out what
20 they could about the power line that they are in the process
21 of building now.
22 Q When was the organization formed?
23 A About November or December of last year. I don't have my
24 figures with me.
25 Q November or December of 1975?
26 A Yes.
27 Q And how many members do you have in it?
28 A I think there were 18 that the line crossed.

1 Q There are 18 members of this organization?
2 A Yes.
3 Q Now, you indicate that it's an affiliate of the Northern Plains
4 Resource Council?
5 A Yes.
6 Q What do you mean by that?
7 A Well, the Northern Plains Resource Council did a lot of work
8 for us and most of us are members of the council.
9 Q You are a member of the Northern Plains Resource Council?
10 A Yes.
11 Q What about the other members of the Central Yellowstone
12 Landowners Association; are they also members of the Northern
13 Plains Resource Council?
14 A I'm not sure. I know that some of them are, but I don't know
15 how many. We never --
16 Q Does your association charge annual dues or is it just an --
17 A Yes.
18 Q How much are the annual dues?
19 A $10.00.
20 Q And as far as your association with the Northern Plains Resource
21 Council is concerned, how close is that association and what do
22 you do with the Northern Plains Resource Council and so forth?
23 Can you describe that in general terms please?
24 A Well, the Northern Plains Resource Council -- whenever we have
25 a meeting we generally notify them so that they can contribute
26 any information that we don't have access to.
27 Q And do you call on them from time to time for information?
28 A Yes.

1 Q And they do provide that information to you, do they?
2 A Quite accurately, yes.
3 Q Now, as far as your statement here is concerned, that you have
4 prepared here today, was that prepared by you?
5 A Yes, I wrote it out on a piece of tablet paper and Mr. Graybill
6 corrected it and then sent a copy to me.
7 Q Did the Northern Plains Resource Council -- anybody from that
8 group have any input into your statement at all?
9 A Yes, we talked over a cup of coffee and we looked at it, and
10 then we gave it to Mr. Graybill.
11 Q Did you give your rough draft to the Northern Plains Resource
12 Council?
13 A Yes.
14 Q And they, in turn, gave it to Mr. Graybill?
15 A That's correct as far as I know. I didn't see them do it.
16 Q As far as the council itself is concerned, did they make some
17 changes in your statement?
18 A Not that I know of. The only changes were in penmanship, I
19 guess, spelling and stuff.
20 Q All right. Now you say that most of you are already crossed
21 by the Colstrip to Broadview line; is that right?
22 A Pardon?
23 Q You say in your statement, "most of us are already crossed by
24 the Colstrip to Broadview line." Do you recall that?
25 A Yes.
26 Q And that's the Colstrip to Broadview line presently in existence?
27 A Yes, and in the process of being built right now, yes.
28 Q And as far as this particular line crossing your land is

1 concerned, that crosses a state section that you lease, does it
2 not?
3 A That's right.
4 Q So it does not cross your individually owned property?
5 A That's correct.
6 Q And you did sign a consent form that the state provided you,
7 allowing that line to cross the land that you lease from the
8 state, did you not?
9 A That's correct, the state wouldn't accept it unless I did sign
10 it.
11 Q Fine, and you did sign that. When did you sign that; do you
12 recall?
13 A I think it was about November of '75, maybe October.
14 Q Of 1975?
15 A Yes.
16 Q Now you mention in pages 1 and 2 about the dust in the air and
17 its settling on the grass?
18 A That's correct.
19 Q During what part of the year did this occur?
20 A In September and October. It was extremely dry for that time
21 of season down there.
22 Q And you felt that you lost production as a result of the dirty
23 grass; is that right?
24 A Not myself as an individual there, but on the whole route I
25 would say that -- they never got into my section or where they
26 cross the school section land that I have leased, to the extent
27 of probably dozing out the road and surveying their spots, but
28 directly south of my house where it crosses the creek there was

1 plenty of dust.
2 Q When did they construct the line across the state section that
3 you lease?
4 A They haven't been able to get in there; there's too much snow
5 and at the present time there is snow. They might have within
6 the last week, but I'm sure they haven't.
7 Q So as far as dirty grass is concerned, this hasn't been a
8 problem to you as yet, has it?
9 A Not on my individual position.
10 Q Now you state that dust in the air and on the grass can
11 contribute to water belly in steer calves. You make that
12 statement?
13 A Yes, I'm quite sure it can.
14 Q Well, this hasn't happened to any of your calves, has it?
15 A We have plenty of water belly; I don't know whether they eat
16 on that grass, but they never eat on the grass on the land that
17 I have leased.
18 Q Well, you say you do have water belly in your cattle now?
19 A You bet.
20 Q Well, you don't attribute that to anything --
21 A That doesn't have anything to do with this line.
22 Q It has nothing to do with the line?
23 A No.
24 Q What do you think it's attributable to? What caused it?
25 A It's a mineral deposit from dust or in the plant itself.
26 Q So it doesn't necessarily come from the dust on the plant, does
27 it? It can be caused by the grass itself, exclusive of dust?
28 A To my knowledge it's never been determined whether it's the

1 grass, the dust on the outside -- I imagine there's a lot more
2 dust on the outside than there is on the inside of the plant.
3 Q As far as you know it's never been conclusively proven what
4 causes this; is that right?
5 A That's correct. As far as I know there haven't been any con-
6 clusions, but I do know that it has occurred since my -- in my
7 lifetime, you might say, in handling cattle.
8 Q And how far back did this start to occur?
9 A Oh, I'd say about 20 years in that area.
10 Q Has it become a real problem?
11 A There is quite a loss. One critter is a loss, of course, but
12 in our -- it runs from 5 to 20 head of steer calves.
13 Q Over how long a period have you lost these cattle, sir?
14 A Oh, like I said, in the last 20 years probably, as far as I
15 know.
16 Q Fine. And your neighbors you say also have had the same
17 problem?
18 A That is correct.
19 Q And this started back many years ago, the same as with you, as
20 far as your neighbors --
21 A Pardon?
22 Q As far as your neighbors' loss of cattle to this water belly,
23 that started occurring some years ago also?
24 A As far as I know it just all occurred pretty much at the same
25 time, yes.
26 Q And that dates back for 20 years or so?
27 A Yes.
28 Q Now, you don't know of yourself that any of the construction

1 of this line that you have referred to, the Colstrip to
2 Broadview line, has caused this water belly, do you?
3 A I'm not too sure if it ever caused it, no. I know that they
4 put a lot of grass on cattle upland. They were working during
5 a time -- whether their paddocked calves got water belly from
6 it or not is just anybody's guess.
7 Q You don't know yourself that they did?
8 A No, I don't know.
9 Q And do you know whether any of these owners have made any
10 complaints to Montana Power about this?
11 A Not that I know of, no.
12 Q Now you mention that county roads were damaged by heavy
13 construction equipment traveling; is that right?
14 A That is correct.
15 Q And what kind of damage was done?
16 A Cattle guards were broken and ruts -- excessive travel on the
17 roads means more maintenance which we have trouble getting
18 through our county program.
19 Q Well, you say cattle guards, were any of your cattle guards
20 damaged?
21 A Yes.
22 Q What kind of damage was done?
23 A They were broken to where they're going to have to replace one.
24 Q And when you say they are going to have to replace it, who is
25 that?
26 A It's going to be me and the county, I guess.
27 Q Well, did you complain to the construction company?
28 A I didn't know about it until yesterday.

1 Q Until yesterday?
2 A That's right.
3 Q When did you write your statement here?
4 A Well, we wrote that probably a couple of weeks ago, but this
5 cattle guard I'm referring to today is one that is damaged.
6 Q Do you know when that damage occurred?
7 A The damage occurred this winter; the point is it's going to
8 have to be replaced.
9 Q And I assume then you don't know for sure how it was damaged?
10 A It was damaged by too heavy a load.
11 Q Who do you think did that?
12 A Well, I'd kind of imagine it was those trucks hauling that
13 steel.
14 Q You're not sure of that though?
15 A No, I'm not sure about that.
16 Q Well, as far as that damage is concerned, are you going to
17 complain to the construction company about it?
18 A I don't think it would do much good.
19 Q Well, have you ever had any contact with them before?
20 A I have never made any complaints to them, no.
21 Q You say it is questionable whether or not cattle will graze
22 under the lines while the lines are operating at full load, and
23 is that based on your own experience?
24 A Yes.
25 Q What is that experience?
26 A When the Bureau of Reclamation built the line from Glendive to
27 Custer, and then, of course, it went from Custer up to Yellowtail,
28 and it went through part of our pasture, a pasture that we used

at that time, and by flying the line and making a private observation --

Q Well, when you say your observation -- your observation over how long a period of time?

A Probably about three years.

Q And how often were you in that area, of this line that you refer to?

A Probably once every two weeks.

Q And you say that you never saw any cattle grazing immediately under the line?

A I have never seen them; they've been there, but I haven't seen them.

Q Well, it's possible that they could have been grazing when you weren't there, isn't it?

A They could graze there probably at times when the noise level was down on it, or where it spans a deep draw or something like that, but they've been under the line; there's no doubt about that.

Q They have been under the line?

A You bet.

Q How do you know that?

A From their tracks.

Q Have you gotten out and looked for cattle tracks under the line?

A You bet. I've been on horseback and been on foot and in the pickup.

Q And you have seen cattle tracks underneath those lines?

A You bet.

Q That would indicate that they were grazing there, then?

A My observation has been that when flying over the line, you'll notice cattle on both sides of the line, say about 50 yards of distance, and they'll mostly be turned away from the line. They have grazed up, and for some reason or another they will be turned away or parallel with the line, and if they go across, they'll generally walk right on across. Now this is quite a lot smaller voltage line than what we were talking about.

Q Are you familiar with any studies that have been made relative to this subject?

A I have been -- only the Power Company pictures showing cattle feeding under the line; that's all that I know of.

Q Well, do you have reason to doubt that cattle do graze under these lines?

A I have a pretty good assumption that they won't at times.

Q Well, when you say at times, what do you mean?

A When the atmospheric conditions are right, when the load is on the line and at the right --

Q Well, do you have any idea how often those atmospheric conditions occur?

A No, I wouldn't have any time limit.

Q Well, going back to your observations, you can tell, of course, from the amount of forage or grass that's available, it's obvious to you that cattle have grazed under those lines that you've observed?

A Yes.

Q There's no question in your mind that they have grazed there?

A They're grazing under there at times, yes.

Q And there's no doubt in your mind that they have crossed under that line to get on the other side?

A They'll cross.

Q Are you familiar, by chance, with a study prepared by the Bonneville Power Administration, Engineering and Construction Division, of Portland, Oregon, dated June 27, 1975, which is entitled "Big Game Movement Near a 500 kV Transmission Line in Northern Idaho." Have you seen that study?

A No, I haven't.

Q Well, that study in the abstract of it states that the presence of the right-of-way --

MR. GRAYBILL: To which I object as not the best evidence. Now, if he wants to put it in evidence, that may be something, but he's about to read this statement into the record and I don't think that's proper.

HEARINGS EXAMINER: Sustained.

Q Are you aware of the results of any study that indicates that the presence of right-of-way under the 500 kV transmission lines was found to be beneficial during the critical spring period because it produced more forage than the surrounding forest, and that these results supported the hypothesis and indicated that the energized transmission line and its associated components did not adversely affect big game movement. Are you familiar with any study to that effect?

MR. GRAYBILL: Just a moment. To which I object and move that the question be stricken as he's obviously read from the very thing that the Hearings Officer sustained my objection on before.

MR. BELLINGHAM: We have had repeated questions put to witnesses in this case from studies, and they have gone in over objection almost, as I can recall, without any deviation that I know of.

HEARINGS EXAMINER: Repeat the question, please. I was occupied with something else there.

MR. GRAYBILL: I think it's a matter of how you ask it, Mr. Bellingham.

MR. BELLINGHAM: Well, I asked him if he's familiar with any study regarding 500 kV transmission lines in which it was concluded that the presence of the right-of way was found to be beneficial during the critical spring period because it produced more forage than the surrounding forest and that these results supported the hypothesis and indicated that the energized transmission line and its associated components did not adversely affect big game movement. That was the question.

HEARINGS EXAMINER: Overruled. He can tell what he knows about any studies or if he's made any.

MR. GRAYBILL: That's fine. I don't object to that.

Q Do you know of any study that has come up with that conclusion?

A No, I don't.

Q And you're not familiar with the particular study that I referred you to previously, prepared for Bonneville; is that right?

A That is right.

Q Now, you indicate that you have done some flying in the area; is that correct?

A That is correct.

Q Do you own your own plane?

A Yes, sir.

Q And do you fly it yourself?

A Yes, sir.

Q And you feel it's going to require two people in the future?

A Any flying that is done near or around a line, I sure want to have somebody with me because I don't want to be looking around when I'm low.

Q Well, that's only when you fly near the line, you think for safety precautions you should have somebody else; is that right?

A You bet.

MR. BELLINGHAM: I have no further questions.

HEARINGS EXAMINER: Mr. Graybill.

Redirect, by Northern Plains Resource Council

By Mr. Graybill:

Q With regard to these cattle grazing under the line, as I understand it you have flown up and down this bureau line and observed the cattle not grazing under it; is that what you said?

A You bet. That's correct. I've flown the full length of the line within our pasture and our neighbor's pasture and as I told him, we'll notice that the cattle have turned away from the line.

Q Are you familiar with the fact that sometimes these lines are not energized?

A I understand they are; I have no way of knowing.

A Are there times when they make more noise than other times?

A I don't know for sure when I flew the line whether it was energized or not. I had no way of knowing.

Q Well, is the noise one of the factors that affects the cattle eating under it, do you think?

A I think there's a high frequency vibration that comes off of there that will affect them just like a dog whistle. It's not audible to a human ear. We know that there's a -- from listening to your radio when you're driving under one, there's something coming off of them.

Q Yes, we certainly do. Cattle certainly wouldn't be disposed to avoid a line if a line were not energized or were not -- were just hanging there, would it, anymore than a fence?

A No, they'd probably use it for a rubbing post if it weren't energized.

Q But in your experience there are times at least when the cattle seem to shy away and stay out from under the line?

A That's right.

Q And that has an effect on their pasturage of that particular field; is that right?

A Yes.

Q All right. Now, in your statement, Mr. Hope, you say -- talking about the construction of the Colstrip to Broadview line -- "During the construction of the line, and the cutting of the sod --." What do you mean by the cutting of the sod?

A Well, when the frost goes out of the ground, like in the spring, we'll be able to show you what will happen down there then. They cut the top sod off on their right-of-way road.

1 Q You mean on the right-of-way strip, they cut the top sod?
2 A You bet. They run up and down that with dozers all the time.
3 Q And they actually bulldozed the sod away?
4 A They push it off in a coulee or wherever that --
5 Q Do they do this only in the coulees or do they actually cut
6 the sod on the flat areas too?
7 A Well, in the places where it's rough, they'll level it. There's
8 a lot of traffic on one of those roads. It's not just a going
9 in there three or four times a day process; they're running up
10 and down it all the time.
11 Q Have you observed on this Broadview to Colstrip line that they
12 have actually cut this sod away to make a roadway on areas
13 where the field is relatively flat?
14 A No, I haven't noticed anything like -- that they've cut it
15 away too much where the country is flat, but the traffic alone
16 will ruin the grass roots.
17 Q And when they cut the sod away, that's when you get the dust
18 rising; is that right?
19 A That's right, yes, and it'll do it anytime that's dry conditions.
20 Q Now, I notice that in your statement you say that you give this
21 statement in your behalf and on behalf of your neighbors. Have
22 your neighbors met and talked about this?
23 A Yes.
24 Q And the things you're saying about the cutting of the sod and
25 about the dust on the grass and about the damage to the roads
26 and the bridges and the cattle guards, that's not only damage
27 that's affected you, but affected others of your neighbors; is
28 that what you're saying?

A Yes, it's affected all of us. Anybody that has any land that the line crosses, they are going to tell you the same story.

Q And during the construction period on this line, you've had these experiences, then, of the dust and the breakage of the roads and so forth?

A That is correct.

Q And from what you've heard from your neighbors, they've had that same experience?

A That is correct, yes.

Q Do other ranchers in your area fly like you do?

A Yes, in the south end of Treasure County, which is a small county, I have two neighbors that own airplanes.

Q Do you use these airplanes for spotting your cattle?

A Yes, we use them for spotting cattle and going out for repairs and checking fence and checking pastures where they're gathering, and some of the airplanes are equipped with a PA system with which they can talk to riders on the ground and stuff like that.

Q Do you or your neighbors also use the airplanes to spray?

A Most of the spraying is done commercially in the area.

Q But is some of it done by airplane?

A I have done some spraying, yes.

Q And what you're saying then is that you feel that this power line will affect the ability to use the airplane in your operation?

A It will affect it to use it as we have in the past because if you've ever flown up on one of those lines unexpectedly you'll know what I mean.

1 Q Well, is it your practice in doing the things that you've
2 described with the airplane to sometimes fly as low as the
3 power line?
4 A Yes, we have to fly at altitudes of 100 to 500 feet and
5 probably at times we get down to maybe look at a brand on a
6 cow or the condition of a cow and maybe get a little bit lower
7 than that, if the terrain will permit.
8 Q You actually fly low enough to be involved in the height of the
9 line?
10 A You bet.
11 Q Did the power company recompense you or pay you for the fact
12 that you can't fly as easily --
13 A That part wasn't mentioned in mine; I think -- I'm quite sure
14 Lee Wilson talked to them quite a little about it on his. His
15 strip is closer to the line than mine.
16 Q But in that sense, it's going to change the way you operate
17 your ranch because you feel that you have to have two men to
18 watch and protect yourself?
19 A That's correct, yes.
20 MR. GRAYBILL: That's all.
21
22 Re-cross, by Applicants
23 By Mr. Bellingham:
24 Q You indicate that most of the spraying down there in that area
25 is done by commercial outfits; is that right?
26 A That's right, yes.
27 Q Do you hire commercial outfits to do your spraying?
28 A When we do spraying of any amount, I do, yes.

Q When have you last done any spraying yourself?

A In '74.

Q How much did you do then?

A Acrewise, I don't know, probably 700 acres.

Q Did you hire a commercial outfit in '74 also?

A The Yellowstone Flying Service of Big Timber, Montana.

Q And did you utilize a commercial service also in '73?

A I'm not sure whether I had any done in '73 or not.

Q What about 1975?

A I didn't have any spraying done then. The chemical was prohibited, and the price of cattle.

MR. BELLINGHAM: No further questions.

MR. GRAYBILL: That is all. Thank you, Mr. Hope.

HEARINGS EXAMINER: Very well, thank you, sir. You're excused.

(WITNESS EXCUSED)

HEARINGS EXAMINER: Your next witness.

MR. GRAYBILL: Mr. Comolo, please.

BILLO MIKE COMOLO, called as a witness by the Northern Plains Resource Council, having been first duly sworn upon his oath, both as to his written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

(THE WRITTEN DIRECT TESTIMONY OF MR. BILLO MIKE COMOLO WAS DIRECTED TO BE INSERTED AT THIS POINT.)

STATE OF MONTANA

BEFORE THE BOARD OF

NATURAL RESOURCES AND CONSERVATION

STATEMENT OF

BILLO MIKE COMOLA

Early in 1975, Montana citizens, myself included, were gratefully extended the opportunity by the Montana Department of Resources to voice our sentiments regarding tentative industrial development in Rosebud County and subsequent impacts statewide in the form of two 500 k.v. transmission facilities. This development takes shape in the form of Colstrip 3 and 4.

At that time, I stated my opposition to such a proposal for reasons to follow. To date, nothing has been publicly stated which has altered my decision. Indeed, numberous subsequent occurrences have strengthened my choice and brings me here today.

Originally, as today, I chose <u>not</u> to base my opposition of these proposed facilities on economics in the form of employment, increased G.N.P., State well being, nor resource obligations to the remainder of the United States. However, I do base my opposition upon the morality of these oft repeated, supposedly advantageous "obligations."

Sufficient scientific data exists, supporting the allegation that America is wasteful - wasteful to the extreme of self destruction. Recent study by the World Watch Institute financed by the Federal Energy Administration bear this out. The production of energy is an integral portion of this waste. While I do not mean to imply that energy production per se is at fault, continued gearing of production forecasts on American wants rather than needs is devastating to my heritage. This takes the form of nuclear wastes, thermal wastes, wildlife depletion, reduction of an agricultural base, loss of wildlands and habitat, disruption of rural social values, which is no small part of this heritage loss.

Earlier, I mentioned events which have transpired subsequent to my original decision to oppose construction of Colstrip 3 and 4. These events correlate my contention of our continuingly devastated heritage with Colstrip, particularly their effect on the State of Montana:

1. Tentative stripmining of coal in the rural Cabin Creek area of British Columbia, North Fork of Flathead River.

2. Tentative gas and oil leases throughout the Flathead National Forest.

3. Twice vetoed Federal stripmine regulations.

4. Tentative resumption of Federal coal leasing.

5. Resumption of extensive mineral related development on the Stillwater complex in rural south central Montana by AMAX, Anaconda and Johns-Manville.

6. Tentative extensive copper development in rural Bull River Valley northwestern Montana by ASARCO.

7. Proposed further damming of the Kootenai River between Troy and Libby by Northern Lights Incorporated of Sandpoint, Idaho.

8. Proposed Sun Butte and Castle Reef Dams on the Sun River.

9. Existing pollution sources throughout Montana by out-of-state affiliates, presently exceeding state standards, either by variance or undetected.

10. Possible Arctic natural gas pipeline crossing northeastern Montana.

11. The Northern Tier Pipeline Company, a six-member consortium, proposed west-east across state oil pipeline.

12. Allenspur Dam relating to eastern Montana industrial development.

If it were not for practicalities' sake, this list could well continue, as most of you are aware. I submit Montana is awash in our national "contributions" and subsequently, their devastating effect upon those natural things I personally hold more dear than my weekly paycheck.

I would now like to address specifically a direct effect authorization of Colstrip 3 and 4 will have on that portion of Western MOntana in which I live. This being a Bonneville Power Administration (B.P.A.) 500 k.v. transmission facility which will be constructed to ship 75% of generated capacity at Colstrip from Montana Power Company's transmission terminal at Hot Springs, Montana, to the Bell switching station north of Spokane, Washington.

Before this Board, Mr. John T. Evans of Butte, assistant Chief Engineer for the Montana Power Company recently stated

"the reason for making Hot Springs the terminus of the lines from Colstrip is that the B.P.A. has a 500 k.v. station in the Montana community. The B.P.A. line runs from Dworshak, Idaho to Hot Springs." This statement is correct. However, he fails in correctly asserting the imminent construction of an additional 500 k.v. facility on approval of Colstrip 3 and 4.

Presently, the narrow valley through which this tentative facility will pass, supports, in various locales, the existing 500 k.v. unit which Mr. Evans mentions, a 230 k.v. B.P.A. facility, four separate Washington Water Power facilities, a Montana Power "B" 100 k.v. line, a Montana Power "A" 100 k.v. line, a highway, Burlington Northern Railway and related power line, a pipeline (Yellowstone Pipeline) and an almost unaccountable number of service power lines.

Additional B.P.A. facilities of 230 k.v. will be constructed to integrate Libby Dam in the near future, including a substation located in the vicinity of Trout Creek, Montana. I respectfully submit I am totally inundated with the results of "progress" and more than appalled at the appearance of a continued devastating situation which I am more and more powerless to defect.

In conclusion: Montana Power Company and partner applicants represent a "Catch 22" situation, in that continued increase of power to supply Americans' tremendous waste does nothing more than create increasing wasteful demand continually spawning

additional requirements, prompting further generation and accompanying resource depletion. Until it is concluded that we must positively respond to the ethical questions concerning wants versus needs, this vicious cycle will continue until solutions become anticlimactic with our heritage stacked high in landfills or spewed into the sky.

I ask those of you present, particularly members of the Board to take a bold step required for a sound, liveable, Montana future. Exercize your vision to see beyond the energy crises rhetoric spawned in wake of our wasteful society, to a future that breeds contentment with nature, not compulsive materialistic destruction and Colstrip 3 and 4.

The Montana Board of Health chose to ignore its obligation, thus my future. I ask more of you today.

Thank you for presenting this opportunity.

HEARINGS EXAMINER: Mr. Bellingham, you may cross-examine.

EXAMINATION OF BILLO MIKE COMOLO

Cross, by Applicants

By Mr. Bellingham:

Q Where do you live, Mr. Comolo?

A Noxon, Montana.

Q Did I pronounce that correctly?

A Yes.

Q How old are you, sir?

A 31.

Q What is your occupation?

A I'm a heavy duty automotive mechanic.

Q And where do you work?

A I have a small shop in Noxon, Montana.

Q Do you own it yourself?

A No, I do not; I'm leasing it.

Q How long have you been engaged in that business?

A Approximately three and a half to four years.

Q And during this period of time you've handled your own shop?

A I handle the maintenance end of it.

Q Does somebody else work with you?

A In the maintenance garage, no, they do not.

Q And what did you do prior to that time?

A Excuse me, I don't understand your question.

Q What did you do prior to your work as a mechanic?

A I was an automobile mechanic prior to the garage I have now.

1 Q Working in Noxon?
2 A No. No, I did not; I was going to school in Susanville,
3 California at the time I was engaged as an automotive mechanic.
4 Q Well, you talk about energy usage in this country in broad
5 terms in your statement here, and I'd like to ask you if you've
6 made any study relative to this, specifically by yourself?
7 A I've spent considerable time reading individual materials; I'm
8 afraid I cannot refer you to any particular one. I do not
9 like to say that I'm all knowledgeable in the subject, but I
10 have spent time reading about it; yes, I have.
11 Q So your knowledge is based on reading articles of various kinds?
12 A That is correct.
13 Q And where do you obtain these articles?
14 A Any source I can find.
15 Q Well, what are some of the sources?
16 A I can say Newsweek, news articles, Missoulian, Spokesman
17 Review, various publications from environmental organizations.
18 Q Well, what kind of publications are these?
19 A These would be in the form of magazines; I haven't finished
20 my list yet.
21 Q What magazines are you referring to?
22 A Are you speaking of environmental magazines?
23 Q Yes.
24 A Audubon Society, I believe Friends of the Earth we receive
25 occasionally, the Wilderness Society, Wildlife Federation.
26 Q Are you a member of the Northern Plains Resource?
27 A No, I'm not.
28 Q Are you familiar with them at all?

1 A I'm familiar with them from what I've read in the newspaper;
2 that is correct.
3 Q And when did you decide to come here and present your written
4 testimony?
5 A We made the decision to come here approximately -- I believe
6 it would be about a month ago when we were presented the
7 opportunity. We've been participating in the effects of this
8 power line in our part of the state for about two years now.
9 I did not know we would have an opportunity to travel to Helena
10 to speak on these power lines or Colstrip until about a month
11 ago.
12 Q When you say that "we" decided, who do you mean by we?
13 A My wife and myself.
14 Q I see. Now, were you contacted by anybody to come here?
15 A We received -- there was a public meeting in Plains, Montana
16 approximately a month ago.
17 Q And who called that particular public meeting?
18 A This meeting was held by the Northern Plains Resource Council.
19 Now, I should not say that; I don't know that it was.
20 Q You assume it was, though, because they sort of directed the
21 meeting, I assume; is that correct?
22 A No, the representative represented the Northern Plains Resource
23 Council.
24 Q A representative from there?
25 A That is correct.
26 Q Yes. He chaired the meeting, did he, acted as chairman?
27 A I would assume he chaired the meeting, yes.
28 Q And what was his name, do you recall?

1 A Yes, I do.
2 Q What was it?
3 A Mr. Tom France.
4 Q And did he tell you at that time that he was associated with
5 the Northern Plains Resource Council?
6 A This is correct, he did.
7 Q And what was the purpose of that particular meeting?
8 A The purpose of that meeting was to enlighten -- not enlighten,
9 I think that's an improper term. The purpose of that meeting
10 basically was to offer an opportunity to individuals in that
11 part of the county to travel to Helena to participate in the
12 Colstrip meetings.
13 Q So the purpose of the meeting was to obtain people that would
14 come up here and testify, like yourself?
15 A No, I would not say that. I think I said what I meant; the
16 opportunity was offered.
17 Q Well, when you say the opportunity was offered, he explained to
18 you that this particular hearing was going on, didn't he?
19 A I think this was very good. Montana Power didn't come down to
20 tell us they were having a meeting in Helena we could attend.
21 Q Well, now, would you answer my question, please. Mr. France
22 explained to you that this hearing was being held in Helena,
23 did he not?
24 A This is correct.
25 Q Yes. And he explained the purposes of the meeting, did he?
26 A I think we were fairly well aware of the purpose of the meeting,
27 yes.
28 Q And did he invite you people to come up here and testify?

1 A I don't know if invite would be a misnomer. As I say, he
2 presented the opportunity; we took it upon ourselves to do so.
3 Q Fine. And how many of you availed yourself of this so-called
4 opportunity?
5 A I believe there are nine of us here today from that part of
6 the state.
7 Q And they were all members or people that were present at that
8 particular meeting?
9 A No, they're not.
10 Q Some of them were not?
11 A Myself, my wife and one other individual.
12 Q And insofar as you're concerned, you prepared a statement to
13 be used here; is that right?
14 A This is correct, yes, sir.
15 Q And did you prepare this statement yourself?
16 A This is correct,, I did.
17 Q Did you have any help with it?
18 A My wife typed it.
19 Q And is this statement that I have before me the one that was
20 typed by your wife?
21 A I can't tell you this, sir; I don't know what statement you
22 have before you. Yes, it is.
23 Q Did anybody from Northern Plains help you with this statement?
24 A I wouldn't have accepted it if they offered it.
25 Q Did you get any information from Northern Plains?
26 A I doubt that seriously, no, sir.
27 Q None of their publications was used?
28 A Excuse me, yes, I received a publication from them approximately

1 a year ago, and I believe I might have used a bit of information
2 from that. I should also state I've used information supplied
3 by Bonneville Power Association and Montana Power Association.
4 Q You mention on page 2 of your statement one of the things
5 going on, and I assume you object to it -- you indicate
6 tentative strip mining of coal in the rural Cabin Creek area
7 of British Columbia, North Fork of Flathead River?
8 A This is correct.
9 Q Now that's outside the United States?
10 A This is also correct.
11 Q And where did you get information relative to that?
12 A The information is available to anyone that reads from any
13 news source within the last year. I believe the majority of
14 my information came from the Missoulian.
15 Q You picked up this information from the Missoulian, though?
16 A Yes, sir.
17 Q The daily newspaper, is that right?
18 A That is correct.
19 Q Well, you yourself haven't made any studies relative to these
20 points that you mention in pages 2 and 3, have you, as far as
21 any writing or any advanced studies are concerned?
22 A Yes, indeed.
23 Q What do you mean by that?
24 A I think I can tell you as well as ASARCo in answer to number 6,
25 page 2, what their tentative schedules are and what they
26 anticipate.
27 Q Where did you get that information?
28 A I believe it's -- again we could go into various sources for

the last possible year to a year and a half.

Q These are the sources you previously testified to?

A No, these would be sources from ASARCo, sources from Bear Creek Mine, sources from contacts with individuals who are interested, chambers of commerce, from ASARCo representatives themselves, Norman Keaston. I can also answer any questions you'd like to ask on number 7. I think it would suffice to say if you'd care to quiz me on any one from the number 1 through 12, I can give you a fairly good indication.

Q Well, I don't see any reason to go into them specifically. I gather, however, that you got information relative to them from reading and so forth, and inquiries that you've made; is that right?

A Yes, sir.

Q Do you own any property over which any of these transmission lines will pass?

A No. I should correct that. Yes, sir, I do, public lands.

Q None of your own though?

A Private property? No, they will not pass over my property.

Q You indicate on page 4 that John Evans failed to assert the imminent construction of an additional 500 kV facility on approval of Colstrip 3 and 4?

A This is correct, sir.

Q And this is a BPA line; is that correct?

A The facility will be financed by the taxpayers, will be constructed by private construction, supervised by the Bonneville Power Association, yes, sir.

Q Well, we are talking about BPA lines generally, are we not?

A Yes.

Q Are you aware of the fact that whether 3 and 4 are approved or not, that BPA still plans to construct the second 500 kV line for reliability purposes?

A Their information is extremely conflicting. Yes, this has been the statement they have made repeatedly.

Q Well, that particular statement that they've made then, conflicts with your statement; does it not?

A No, sir, it does not.

Q Well, you say the imminent construction of an additional 500 kV facility on approval of Colstrip 3 and 4, and they've indicated that whether 3 and 4 is built they intend to go ahead and build this for reliability purposes, did they not?

A I would say that the existing 500 kV system has never operated above 60 percent capacity to date; it seems highly unfeasible to build a second 500 kV facility for backup on a line that has never run to capacity to date regardless of the eventual outcome of the predicted power demands.

Q Well, now you make some statements relative to how much this line is used?

A Yes.

Q Where did you get your information on that?

A Please refer me to which statement on that, sir.

Q Well, you just now made the statement that the Bonneville line is only partially used as far as capacity is concerned; where did you get your information on that?

A This information came from the Mountain Bell Telephone individuals in Thompson Falls, Montana.

1 Q You're not getting that information from BPA?
2 A It's available from BPA, yes, sir.
3 Q But you didn't obtain it from BPA?
4 A We did speak with Mr. Wilkerson at the last BPA meeting and I
5 believe this statement was brought up as well.
6 Q Did he indicate that?
7 A I'm sure he did, sir, yes.
8 Q Did he indicate that they were not going to build an additional
9 500 kV line if Colstrip 3 and 4 were not approved?
10 A No, this statement had been made through the original filing of
11 the supplement drafts and the drafts for construction for this
12 additional line. The only difference has been the time schedule
13 for the line, and I think I should stop at that. This has been
14 the major difference. However, the feasibility of building the
15 line was questionable as far as a backup facility. With the
16 imminent construction of 3 and 4, it will no longer be feasible
17 and we will be blessed with it whether we like it or not.
18 Q Well then, let's go back to my original statement; you are
19 aware of the fact that BPA, then, intends to build this
20 additional facility for reliability?
21 A The Corps of Engineers also builds dams, but that doesn't
22 necessarily mean they're needed.
23 Q Do you recall the question I put to you?
24 A Yes, sir, I do.
25 Q Are you aware of the fact, then, that they have announced that
26 they're going to build this additional 500 kV line for
27 reliability regardless of whether Colstrip 3 and 4 are approved?
28 A This has been said; yes, it has.

MR. BELLINGHAM: No further questions.

HEARINGS EXAMINER: Mr. Graybill.

Redirect, by Northern Plains Resource Council

By Mr. Graybill:

Q Mr. Comolo, I understand that the thrust of your statement here is that you're concerned about the conservation of Montana's environmental heritage; is that true?

A Yes, sir.

Q And you live in Western Montana; what do you see as Montana's environmental heritage? What is it about Western Montana that you're concerned about?

A I welcome the opportunity to answer that. I'm not a native Montanan as I mentioned earlier. I've had a fairly broad background; I've lived in various places. Montana is not the pristine state that it appears at first glimpse. It could be if steps were taken early enough to control the effects that in my opinion have devastated a great percentage of the lower 48 states and subsequently will Alaska. Right now, in my personal beliefs, the most imminent threat to the state of Montana has been the same threat that has taken place in the remainder of the United States. This is what has been termed by others and myself as an engineering mentality. The mentality to build regardless, basing your demand solely on the engineering feasibility rather than the morality and the -- I think that will answer your question.

Q So, what you're saying is that these items that you list -- you've got 12 recent developmental areas or projects listed on

pages 2 and 3 and what you're saying, as I understand it, is that in your opinion many of these are engineered and planned without adequate consideration of the environmental effects that they have; is that it?

A Yes, sir, this is exactly correct.

Q And then I understand you to be saying that the Colstrip project, and particularly the double 500 kV lines that will be built across Montana, in your opinion are also in that category; that is, they are a technological project that has been proposed without adequate environmental study; is that what you mean?

A This is an awfully tenuous statement. I cannot begin to refute the engineering capabilities behind these projects. There is no doubt from an engineering point of view they are well constructed, well thought out. There may be a few problems in the interim. But basically it's not the project itself that I aim the thrust of my presentation on. It is the ongoing historical mentality in this country that gears everything that we do upon our gross national product and the well-being of the working class in this country and I have personally, in my background, been able to -- I've had a fairly broad income in the past and I've had a fairly low income, and my low income has been since I've been in the state of Montana. I don't care for it to change. If these projects go unhindered, they continue, the state is continually being floored. A good example was since I drafted this, we were talking about Flathead coal leases on federal lands; now we're talking about state lands. These things just do not stop, and if there is no

1 logical rhyme or reason to the morality of designing these
2 projects within a relatively short period of time, I'm afraid
3 that the very things that make this state and a few outlying
4 regions what it is today will not be the same.
5 A Do you think that there are costs, public costs or at least
6 public losses, suffered by a project such as the Colstrip 500
7 kV power line, above and beyond the actual construction costs
8 to the power lines?
9 A This would be up for individuals to say. To myself, definitely,
10 but for others, perhaps not.
11 Q I notice that you talked a little with Mr. Bellingham about the
12 lines that you're familiar with that will connect the Colstrip
13 lines to the state of Washington and the Bonneville Power
14 Administration system. On page 4 of your statement you seem
15 to list a whole group of lines that are already established and
16 then this one that you talk about that might be built. Do
17 these lines run west of Hot Springs and Noxon into the state
18 of Washington; is that the idea?
19 A These lines, the way they're presented are very tenuous.
20 These lines that I have stated all exist. I believe with
21 your statement I left one off; there should be two 230
22 kV BPA lines. These lines exist at various locales through-
23 out the valley; at several points they all condense through
24 narrow quarters.
25 Q Which valley are we talking about?
26 A It's the Clark's Fork high drive divide.
27 Q Now what's the effect of all of these lines and the highways
28 and the railroads that you've discussed here? What's the

1 effect of these lines on the valley?
2 A This again, sir, would be -- I'm afraid I can't give you a
3 specific answer other than my own -- their effects on me.
4 What I say here today, others in the valley may not assume
5 would be affects upon them.
6 Q Well, what do you see as happening to the valley because of
7 these lines?
8 A I see things that are -- I'm trying to get to those that are not
9 directly related to these power lines. This is why I'm here
10 to talk about Colstrip 3 and 4. These power lines represent
11 things that are taking place in Seattle; they represent things
12 that are taking place in Puget Sound; they represent things that
13 are taking place in California; they are representing things
14 that are taking place in the east; they actually represent
15 things that are taking place out of the country, as far as the
16 oil embargo goes would be a good example of this. These power
17 lines represent a continuation, whereas they might not directly
18 affect me at all. If the corona discharge should be found not
19 to be detrimental to human health, whether the passage of wild-
20 life beneath these facilities should be found not to adversely
21 affect the passage of wildlife, if power lines could be found
22 to be completely sound with the environment, the power line
23 still remains a power line. Colstrip, strip mining remains
24 strip mining, excessive consumption remains excessive consump-
25 tion, and there will be no end to it. The worst that these
26 power lines, to my knowledge, represent is not the power lines
27 themselves, but it is a state of mind in this country today.
28 Q In other words, I hear you say, and I'm trying to understand

1 the thrust of your statement, I hear you saying that you're
2 not here to argue with the engineering or the technological
3 manner in which this line is built, but you're here talking
4 about what this line represents in a larger sense?
5 A In a philosophical manner, yes, sir. I can specifically state
6 in regards to your question their effect on me. It's phenomenal.
7 We'll present photographs later in the presentation this after-
8 noon taken of this valley. We'll also present a forest service
9 planning unit adjacent to a particular portion where this 500
10 kV --
11 Q How does this affect you psychologically or philosophically?
12 A I'm here today. Five years ago I wouldn't have lifted my
13 thumb to come over here and tell you people what I thought.
14 I'm here today. It's affected me grossly; it's changed me
15 completely from the person I was five years ago. It's got me
16 scared, totally frightened.
17 Q In other words, you're saying that you personally are affected
18 by this and don't like the growth pattern that you see?
19 A This is correct.
20 Q And that's the thrust of your statement, to show or to bear
21 witness to the fact that this growth pattern does affect
22 people like yourself, living on the land in Western Montana,
23 and that you oppose it; is that the idea?
24 MR. BELLINGHAM: We object on the grounds that it's
25 leading.
26 HEARINGS EXAMINER: It's kind of leading all right,
27 but you can answer. That's what you --
28 WITNESS: I think I've already answered that

statement.

HEARINGS EXAMINER: I think you have, too, sir.

MR. GRAYBILL: All right. That's all the questions I have.

Re-cross, by Applicants

By Mr. Bellingham:

Q How long did you say you've lived in the state of Montana?

A I've lived in Montana about five years, sir.

Q And on pages 2 and 3, you describe, and we've previously touched on them, 12 developments, do you not?

A This is correct, and these go back five years, and you've also asked me what type of studying I've done, and I told you I've studied extensively.

Q Now, if you'll allow me to ask you one more question --

A Yes, sir.

Q I assume you oppose all 12 of these projects?

A The morality, yes, sir, I do.

MR. BELLINGHAM: No further questions.

HEARINGS EXAMINER: You are excused.

(WITNESS EXCUSED)

HEARINGS EXAMINER: Now, before we make any earthy decisions, do you want to try to take another witness before lunch, Mr. Graybill?

MR. GRAYBILL: I'd just as soon take them after lunch. I think we can go rather rapidly.

HEARINGS EXAMINER: All right. Now, before you leave, I'd like to go off the record and have a conference

with counsel. We will adjourn until 1:00 P.M.

(RECESS AT 12:00 P.M.)

Following the luncheon recess, the hearing reconvened at 1:05 P.M. on March 3, 1976.

HEARINGS EXAMINER: All right, let's proceed.

HENRY DERTIEN, appearing as a public witness, having been first duly sworn upon his oath, both as to his written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

HEARINGS EXAMINER: Would you please be seated in the chair by the mike, and I think probably for those of you who haven't been here before, in this proceeding witnesses are scheduled by the attorneys and public witnesses are permitted to appear. Scheduling wise, it's hard to work you all in sometimes. There is a yellow pad back there someplace. If anyone is a public witness and wants to testify, either with a written or orally, and are not scheduled by the parties, you sign that yellow pad, and we'll try our best to work you in today. If you have a written statement, please put it down in your address and whether you can return on another date or if you can't. Now in this proceeding, the reason we use written statements is that the testimony -- I'm not a decision maker, the Board of Natural Resources is. Therefore, the testimony that's given here goes into the recorder, it's typed up, transcribed, and goes to the Board of Natural Resources. So if you've got a written statement, there's not much point, other than for the benefit of the audience here, to read the thing over

again to have it re-transcribed and re-typed up to go to the board. Therefore, if you've got a written statement, we use the written statement, it goes right to the board, and that expresses, hopefully, the view that you came to express; and then the opposing counsel is entitled to cross-examine you. This gentlemen is a public witness, and you've got a copy of his statement, Mr. Bellingham, and he appears as an opponent to the Colstrip and you may cross-examine if you have any questions to ask him, sir.

MR. BELLINGHAM: All right, sir.

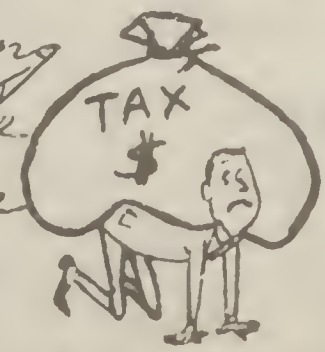
(THE WRITTEN DIRECT TESTIMONY OF MR. HENRY DERTIEN WAS DIRECTED TO BE INSERTED AT THIS POINT.)

HENRY DERTIEN
TROUT CREEK, MONTANA 59874
(406) 847-2325

Dear Sir:

Will the population remain in the conjested city areas, especially the east and west coast?? If trends and economics now in progress and in the latter stage of national ruin continue, the vast majority will be leaving the city to keep from starving to death. Power lines will be standing only to serve an area without population. A car load of coal on a train can be unhooked anywhere.

Dr. William Albrecht of the University of Missouri did a lifetime of research on soils and growing crops. As usual they kept his research as quiet as possible. His papers were published in early 1976. He proved chemical and scientific farming wholly false. I quote Mr. Jonathan Forman an associate of Dr. Albrecht. "We have for the last twenty five years been coining (printing) money and loaning it to foreign governments to buy our surpluses. Thus we have shipped the fertility of our soil and the riches of our mines and wells to foreign lands. It is as though we were petitioning to become Crown colonies of Europe once again. Any agriculture prosperity built on the sale of agricultural products abroad is unsound. The siphoning off of wealth that we create into implements of war is equally destructive of our culture and our civilization because it undermines the whole structure economically"



over

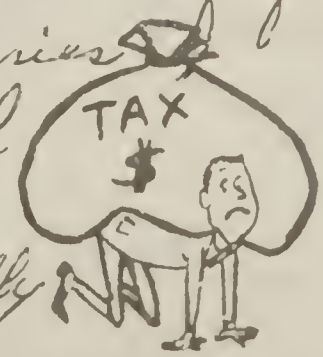
-7200- end quote

Henry Ford said, "America will remain strong as long as the populace remains rural in nature and stays close to the land."
Our policy has been one of continual war and the population centers have shifted to grow up around this industrial complex which turned out mostly war materials. Our soils have been mined to support this insane domestic and foreign policy. Our rivers have been damned to provide power for this same insane policy. The best land in every state does not only go out of production of quality high protein food, but is off the tax roles. High quality protein and healthy, bright and alert people go hand in hand. Chemical salt fertilizers produce massive bulk and no quality. Dr. Albrecht proved that the seed planted on such depleted soils had more protein, vitamins and minerals than the crop harvested. The use of these fertilizers has already polluted all our rivers and underground water supplies, pesticides included. Dr. Albrecht also proved that insects do not like crops planted on a well balanced soil. This is documented on many research plots by Dr. Albrecht.
In my crystal ball I see massive exodus of the city dweller back to the country. Congressman Baucus of Montana has currently introduced legislation to get the little farmer back on the land. They are going broke in droves. The farm

HENRY DERTIEN
TROUT CREEK, MONTANA 59874
(406) 847-2325

debt alone is in excess of 85 billion dollars. More than the assets of farmers. My father wants me to come back to the farm in So. Dak. but is economically impossible to do so.

It takes a minimum of five years to restore ruined soil to fertility. Also all that I have mentioned is meaningless unless we get control of the Federal Reserve. The issue of currency must be in the hands of congress as the constitution states. This priority is above <u>all else</u>. Printing press money equals rampant inflation which is the destruction of our free society. Dr. Albrecht spoke before congress and the universities on many occasions. I quote a comment from "Dr. Henry B. Stevens, University of New Hampshire". "Sometimes a powerful thought, like a flash of lightning, throws a great area from darkness into sudden light. Such an illumination was experienced by those of us who heard the address by Dr. Albrecht. I confess that I am not sure yet how far or along what strange paths this message will take us. Apparently we can no longer think of foods as having a fixed value; for such value varies according to the soil content --- It would seem that nutrition is a much more profound science than has been generally



-7102-

recognized and that in studies heretofore its surface has perhaps only been scratched." End quote. This speech made in 1944. The disaster of water and air pollution, the exodus to the city and the present poor health of the people could of been avoided by listening to the wisdom of Dr. Albrecht. A sound and stable agriculture policy means a population that stays in the rural areas close to the land. The population movement to the citys that brought about an energy crisis will soon bring a worse crisis in there disorderly effort to return to the land in panic and fear of starving. Their is a worldwide conspiracy and its leaders know full well that land control is people control. They have laid their trap and we swallowed the bait. I decide the issue of Colstrip 3 and 4 before you have read Dr. Albrecht's book is to decide a matter before all the facts have been heard. It is only by the narrowest of margins and the grace of God that we get out of this a free people. I hope the sleeping brains of our intellectuals awaken before all the lemmings plunge into the sea. History proves that nations be leave of their senses in masses and return to sanity one at a time. May God have mercy on our stupidity. Respectfully submitted this 17, day of February 1976.

Sincerely,

Henry Deaton

EXAMINATION OF HENRY DERTIEN

Cross, by Applicants

By Mr. Bellingham:

Q Mr. Dertien, I believe that's correct, is it?

A Yes, sir.

Q How old are you, sir?

A Thirty-nine.

Q And what is your occupation?

A Presently unemployed since the first of the year.

Q What did you do prior to that?

A Sawmill.

MR. BELLINGHAM: No further questions.

HEARINGS EXAMINER: Very well, and thank you, because we do have a lot of witnesses, and so your testimony will go to the board, sir, and they will get your statement. Mr. Graybill, you want to call your next witness?

(WITNESS EXCUSED)

MR. GRAYBILL: Yes, Mr. James Steele.

JAMES K. STEELE, called as a witness by the Northern Plains Resource Council, having been first duly sworn upon his oath, both as to his written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

(THE WRITTEN DIRECT TESTIMONY OF MR. JAMES K. STEELE WAS DIRECTED TO BE INSERTED AT THIS POINT.)

STATE OF MONTANA

BEFORE THE BOARD OF

NATURAL RESOURCES AND CONSERVATION

STATEMENT OF

JAMES K. STEELE

My name is James K. Steele. I am here speaking for my family, which owns a small ranch near Plains, Montana. I am currently employed by the United States Forest Service, and I have an associate degree in forest technology from the University of New Hampshire, and a B.S. in Forestry from the University of Montana.

Even prior to the 1950's, transmission lines and structures were forced through the narrow corridor of the Clark Fork Valley. Montana Powe, Washington Water Power, and Bonneville Power have all left their mark on the Rainbow Lake Ranch between Hot Springs and Plains. Presently six corridors, carrying a total of 1,160 k.v., pass through this ranch, and each line influences negatively many of the natural and domestic opportunities this land affords.

In many places the construction of past lines has removed the thin soil layer so that now only a cobbled soil mantle can support noxious weeds and a paltry stand of grasses and forbs. Soil erosion has been afforded by sheet erosion from caterpillar tractors and digging machines, and these

have caused the dissolution of top soil by strong and frequent winds. The removal of trees and maintenance of a maximum tree canopy height also encourages more snow to reach the ground; and with wind resistance reduced or eliminated, drifting snow increases, to adversely affect the movement of wildlife and domestic animals, and to increase the cost of living and expense of maintenance on that ranch for its owners.

Transmission lines dictate the height of trees which grow beneath them. This maximum height is associated with small tree diameters, hence commercial saw timber volumes are unattainable. This is the same as biologically lowering the site productivity and eliminating timber production and discouraging silvicultural treatments such as thinning for increased growth, and sanitize thinning as an investment for a healthy stand of trees.

The movement of big game is especially evident on the Rainbow Lake Ranch. Deer and elk have been observed crossing 100 acres of open pasture to gain the safety of the forest when their security was threatened rather than cross under the transmission lines and enter wooded cover in a mere 300-400 feet. Following the tracks of an elk left in the snow reveals its desire to cross beneath the transmission lines. But each time he came near the lines, he shied back to where he came from. I believe the noise and corona effect influence the movement of transient animals, especially

those requiring critical habitat conditions, i.e. white tail deer and elk. These transmission lines lie between big game winter range on the Camas Prairie and feeding areas along Lynch Creek near Plains, and the Banana Lake region, and act to disrupt game movement. I believe transmission lines thus greatly affect wild game animals.

Presently we are faced with another extra high voltage line which is related to the Colstrip venture. With its gross, maligned appearance, we must also live with added infringements and lowe property values. When will it stop? Can we expect further companion lines to march through the valley?

MR. GRAYBILL: Mr. Hearings Examiner, I have had marked Northern Plains Exhibits 12, 13, 14, and 15 which are four pictures that Mr. Steele intends to use in explaining his testimony; and I have them marked and I'll give them to counsel here now so that he can see them if he wants to look at them in case they want to use them.

HEARINGS EXAMINER: What numbers again, Mr. Graybill?

MR. GRAYBILL: 12, 13, 14, 15.

HEARINGS EXAMINER: Thank you. All right, Mr. Bellingham, you may cross-examine.

EXAMINATION OF JAMES K. STEELE

Cross, by Applicants

By Mr. Bellingham:

Q How old are you, sir?

A Twenty-seven.

Q How long have you been employed by the forest service?

A Full time for three years.

Q What do you do for them?

A I am a timber sale reconnaissance investigator, and I write environmental analysis reports for timber sales.

Q You say you are here speaking for your family. Does that mean your own immediate family?

A Yes.

Q That would be your wife, I assume?

A Yes.

1 Q And you own a small ranch near Plains?
2 A Yes.
3 Q How large is the ranch?
4 A It's a half section.
5 Q Well, is it a ranch that you acquired?
6 A Through marriage.
7 Q Your wife's parents?
8 A My wife's parents and my wife and her sister own a quarter
9 share. I should maybe clarify that; they each own a quarter
10 share.
11 Q Your wife's parents then own the other half; is that right?
12 A That's correct.
13 Q I assume you wrote your statement yourself?
14 A Yes, I did.
15 Q Who typed it?
16 A I don't know.
17 Q Who did you give your statement to after you wrote it?
18 A I mailed it to Tom France.
19 Q Did you write it in longhand or did you type it?
20 A I typed it.
21 Q And who is Tom France?
22 A He's a friend and member of the Northern Plains Resource
23 Council.
24 Q As a matter of fact, he's worked for the Northern Plains
25 Resource Council for some time, has he not?
26 A I don't know.
27 Q Well, you know that he is on their staff; you know that, don't
28 you?

A Yes.

Q And when did you finish your statement?

A Let's see, I think it was probably two weeks ago.

Q And then it was re-typed, I assume?

A Yes, I assume so.

Q By Northern Plains Resource?

A I assume so.

MR. GRAYBILL: Mr. Bellingham, as I told you yesterday, every statement that we have put in was re-typed in my office by my secretary.

MR. BELLINGHAM: Unfortunately, Mr. Graybill, you're not testifying, and that's why I'm asking the questions, or should I say fortunately, I don't know. You have testified on occasion, however, as I recall.

HEARINGS EXAMINER: All right. The remarks of counsel will be stricken.

Q When were you first contacted by Mr. France?

A I wasn't contacted by Mr. France.

Q When did you first contact him?

A I met him at a meeting.

Q This is a meeting in Plains, Montana?

A That's true.

Q And when was this meeting?

A I can't remember the exact date; it was about a month ago.

Q And this was a meeting that Mr. France came representing the Northern Plains Resources?

A Yes.

Q And he indicated to you that it was possible for you to come

and testify at Colstrip 3 and 4 hearings?

A That's true.

Q And you are here today as a result of that meeting?

A Partially.

Q You attended that meeting?

A Yes.

Q Now on page 2 you talk about the movement of big game. You say that deer and elk have been observed crossing 100 acres of open pasture to gain the safety of the forest when their security was threatened rather than cross under the transmission lines and enter wooded cover in a mere 300-400 feet. You recall that statement?

A Yes, sir.

Q Who observed this?

A I did.

Q Pardon me?

A I did, myself.

Q When was this?

A This was in August of last year.

Q And you do believe that transmission lines greatly effect wild animals?

A Yes, I do.

Q Are you familiar with the study prepared for Bonneville Power Administration dated June 27, 1975, entitled, "big game movement near a 500 kv transmission line in northern Idaho"?

A Yes, I am.

Q Have you seen that?

A Yes.

Q You've read it?

A Portions of it, yes.

Q And you recall the abstract in the front, do you not, they're talking about 500 kv transmission lines, and they indicate the presence of right-of-way was found to be beneficial during the critical spring period because it produced more forage than the surrounding forest, and that these results poured the hypothesis and indicated that the energized transmission line and its associated components did not adversely affect big game movement. Do you recall that?

A Yes.

Q And I take it you disagree with that?

A I do not disagree with the statement; I disagree with this study being used pertaining to every piece of land that the power lines will effect.

Q You feel then that it depends upon the kind of land?

A In its associated climates, yes.

Q Well, now what type of transmission lines are you referring to in your statement?

A We have a Bonneville Power 500 kv, we have a three, I believe it's three, Montana Power 115 kv lines, and I believe we have a Washington Water Power that's a 300 some odd kv line, and we also have a local line which I don't know the voltage of. Two of them are metal structures, and the rest are wooden structure.

MR. BELLINGHAM: I have no further questions.

HEARINGS EXAMINER: Mr. Graybill? Did you have any questions or objections to the exhibits, Mr. Bellingham?

MR. BELLINGHAM: No objections, sir.

Redirect, by Northern Plains Resource Council

By Mr. Graybill:

Q Well, I have a couple of questions. Showing you what has been marked as Exhibit number 12 there and 13, I'd like you to describe for the record what Exhibit number 12 and 13 portray?

A Exhibit number 12 is a picture taken on the main highway between Plains and Thompson Falls. It is looking southeast. It's a picture of the Clark Fork Valley. It's a picture of the Coocoosint Ridge, and is a picture of several different transmission line structures and lines.

Q And what's Exhibit 13?

A Exhibit 13 is a picture taken from that same highway near Eddy, Montana, which is between Plains and Thompson Falls. It's a picture of more power line structures, both metal and wooden, the amount of timber removed to place those structures on the ground and the resultant exhibit of the land.

Q All right, now these are in the Clark Fork Valley you say?

A Yes.

Q And are these illustrative of the nature of the crowding of these valleys by power lines?

A Could you rephrase that, please?

Q Do these pictures show the nature of that valley with these several power lines through them?

A Yes.

Q And do the pictures accurately portray the type of power lines

that are going up that valley; in other words, is that picture illustrative of the valley?

A Yes.

Q Is there anything on Exhibit 12 or Exhibit 13 that you want to comment on so that the record shows what the pictures say?

A I would have just one comment.

Q Which exhibit are you looking at?

A Twelve and thirteen.

Q All right.

A That it has been documented not solely from my own personal opinion but through the U. S. Forest Service, these lines are adjacent and included in one of the multiple use planning units, the Big Hole Planning Unit, on the Thompson Falls and Plains Ranger District on the Lolo National Forest. They have produced an alternatives pamphlet and on page 20, and I'll quote from it, "Little timber harvest has occurred in the canyon section that power line development has had a substantial impact. Fortunately, the massiveness of the natural landscape overwhelms the present intrusion in the canyon bottom. However, its ability to visually absorb more impacts remains in doubt."

Q Now that's in reference to the Clark Fork Valley?

A Yes.

Q Is the Clark Fork Valley a valley that is likely to have further power lines if Colstrip 3 and 4 are built?

A I believe so, yes.

Q All right, now would you describe for the record what Exhibits 13 and 14 portray?

A Exhibits 14 and 15 --

Q Pardon me, 14 and 15?

A They portray a portion of the western end and a portion of the eastern end of our ranch in Plains. Both pictures portray the variable types of power lines involved.

Q What size power lines or what -- describe the structures on there so that the record would explain them.

A There are double legged wooden structures carrying 115 kv's, there is a four legged metal structure carrying 500 kv's, and there is a four legged metal structure carrying I believe it's a 300 and something kv line; there is also a single legged wooden structure carrying a local line.

Q And these power lines all run across land that you own?

A That's true.

Q And in your statement where you discuss the movement of big game on your ranch, are you talking about movement of big game under the lines illustrated in Exhibits 14 and 15?

A Yes.

Q And what was your experience concerning big game movements on the land shown in Exhibits 14 and 15?

A They entered our property from the Flathead Indian Reservation which they come over a prominent ridge and it naturally drops into our ranch which is in the valley. Their movement patterns have all been up to and adjacent to the lines. I have not observed any big game, specifically elk and white tail deer, I have not witnessed any of them specifically crossing underneath the lines or actively feeding underneath the lines. They do actively feed in our pasture, but they do not under-

neath the lines.

Q Have you had numerous occasions to observe big game; in other words, can you explain a little bit how long you've been there, how much you've watched?

A I've been on that property for two years, and I have observed this for two years.

Q And in this respect, have you found that the habits of big game animals under the lines shown in Exhibits 14 and 15 differs materially from that discussed in the Idaho report to which Mr. Bellingham recently referred?

A I do.

Q In your opinion, do you think the building of these type of lines, a double 500 kv line, would adversely affect the movements of big game animals?

A I believe there is that possibility, yes, strongly.

Q What is it about the lines that affects the big game animals, if you know?

A In my opinion, I believe it's the noise, I believe there is some sensation from the electric field around them.

Q And how does this affect the animals?

A First off, it's unnatural to their environment. The Idaho study did mention that big game were quite aware of the wind in the trees and the rustling of leaves, and they are, but if people have ever witnessed big game in the woods, anything that is uncommon makes them wary. They are immediately attentive, and that has been proven to me time and again from watching these animals on our property.

Q On Exhibit number 15, I wish you'd comment on the ground

covering the foreground there. What can you say relative to these power line right-of-ways to explain the exhibit?

A Well, our ranch, geologically, is on a -- due to certain geological phenomenas, specifically Lake Missoula, has resulted in a very thin soil mantle. Consequently, from the building of these lines, from the digging machines and the caterpillar tractors used in constructing this, that very thin mass of soil has been removed, it's mechanically been eroded. It has also been subject to wind erosion. The result is that there is a very small stand of palatable grasses for domestic and wild animals. Consequently, we have a very healthy stand of obnoxious weeds; and, also consequently, for us to use this land for any type of domestic use or commerical use, such as raising cattle, we'd have to go through some extensive work to put this back into grass production.

Q Is this soil condition one that is peculiar only to your ranch, or would it affect many mountainous areas?

A I would assume it would affect many mountainous areas; it affects the entire valley from Plains to Hot Springs.

MR. GRAYBILL: That's all.

HEARINGS EXAMINER: Anything else, Mr. Bellingham?

MR. BELLINGHAM: Yes, sir, I have a couple of questions.

Re-cross, by Applicants

By Mr. Bellingham:

Q Now as far as the movement of big game animals is concerned, you indicated that you had not seen any pass under the

transmission lines. Of course, this is as a result of casual observation over this two year period, is it not?

A Partially so, yes.

Q Well, you haven't made a study of this?

A I think documenting my observance is a study.

Q But I mean you've been working full time, I assume, during this period?

A I'm not a full time worker; I'm a WA appointment which means there is a certain period of time of the year when I am not employed.

Q As far as the grazing is concerned underneath these lines, have you had occasion to observe whether there had been any big game grazing?

A Yes, I have had the occasion.

Q You haven't seen any evidence that they have?

A I've seen no real evidence, no, and watching the animals themselves, they never venture very close to the lines.

Q Now over how far a period in distance has this observation been made?

A Distance wise it's been anywhere from 150 yards up to 400 or 500 yards.

Q And your testimony today then is limited to this extent, is that right?

A To my observations, yes.

Q Yes, to up to 500 yards?

A Yes.

MR. BELLINGHAM: No further questions.

MR. GRAYBILL: That's all, thank you.

HEARINGS EXAMINER: Very well, you're excused.

(WITNESS EXCUSED)

HEARINGS EXAMINER: Next witness?

MR. GRAYBILL: I guess these exhibits were admitted?

HEARINGS EXAMINER: Northern Plains 12, 13, 14, 15 are admitted.

MR. GRAYBILL: Call Ted Flynn.

TED FLYNN, called as a witness by the Northern Plains Resource Council, having been first duly sworn upon his oath, both as to his written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

MR. GRAYBILL: Mr. Hearings Examiner, Mr. Flynn brought with him today evidence that many of his neighbors have asked him to come here, and I'm going to hand out copies of these to which he wishes to have appended to his statement.

(THE WRITTEN DIRECT TESTIMONY OF MR. TED FLYNN WAS DIRECTED TO BE INSERTED AT THIS POINT.)

STATE OF MONTANA

BEFORE THE BOARD OF

NATURAL RESOURCES AND CONSERVATION

STATEMENT OF

TED FLYNN

My name is Ted Flynn. I am a fourth-generation Montanan, living on a ranch nine miles south of Townsend. Our ranch was homesteaded in the late 1860's by a great, great uncle, thus our family has had a concern in this area for over a hundred years. Our present concern is the proposed transmission lines that may pass through our summer pasture in the Greyson Creek area, and also the farm and rangelands of our friends and neighbors in the valley. In presenting my viewpoints, I am voicing the concerns of these friends and neighbors, as they have designated me as their representative. A list of the landowners whom I represent is attached to this transcript. Without exception, these are ranchers and farmers whose land lies within the proposed transmission line corridor.

Our major interest in the proposed lines concerns their effect on irrigation. Broadwater County is endowed with two outstanding agricultural characteristics: Irrigation water and fertile soil. Recent technological advances have made the use of extensive, mobile sprinkler systems

economically feasible in most arable areas of Broadwater County. In the last few years thousands of acres of land have been irrigated for the first time by wheel lines or circular pivot sprinklers. Because of their length and mode of movement they necessarily require large open expanses in which to operate. We feel that a double transmission line with four towers to the mile will effectively preclude the use of mobile sprinklers in any field crossed by the lines. If an area presently under sprinkler irrigation is crossed, the landowner not only will lose his sprinkler but also will suffer devaluation of his property. This devaluation will be far in excess of what the power company has indicated it is willing to pay for the right to place their lines through the property. We are also concerned about areas which we may want to develop in the future. At present, The Motnana Power Company lines through the county already inhibit many ranchers' plans to bring additional acreage under irrigation. Technological developments of the last ten years and future demands by our growing populace indicate that many lands not presently considered for irrigation will likely be required for agricultural development in the not too distant future. We do not want these potentially productive lands excluded from development because they have been crossed by a power line.

Those of us whose land may be crossed by the lines are concerned about the possible hazards of operating sprinkler

lines near or under the transmission lines. We do not feel that adequate research has been performed so that all the effects of 500 k.v. lines over aluminum pipes are known. We are concerned that both water and aluminum, not to mention steel underground lines are good conductors and that a distance of 30 to 40 feet to a 500 k.v. line does not seem very far.

The primary purpose of irrigation in this valley is to raise small grains and hay. These operations necessarily involve land preparation, seeding, and harvesting. These lines obviously will inconvenience any farmer over whose land they pass. We are concerned about unknown factors in operating large pieces of farm equipment under these lines. Some combines and four-wheel-drive tractors are fifteen feet off the ground, and we do not feel research has been done to qualify and quantify the hazards of such operation.

Another major concern is access. It is understandable that a fairly decent road will have to be built near the lines to accommodate cranes, trucks, and other equipment needed in building the lines. This we feel is inevitable. However, we balk at the necessity of a permanent road for the maintenance of the lines. If only power company personnel were allowed to use such an access road, the problem would diminish in importance. However, in an area such as ours, where wildlife and scenery are outstanding features of the

landscape, such an access road will result in a great increase in travel, misuse of adjacent areas by recreational vehicles, and outright vandalism. Landowners will in no way be reimbursed for damage done to their property by people using these access roads.

We are concerned about possible damage to areas adjacent to access roads during construction of the lines. Because of low rainfall and thin soils, many areas through which the transmission lines may pass are extremely susceptible to denudation and erosion if they are disturbed.

We are concerned about the effects of the transmission lines on radio and television reception in areas through which the lines may pass. Because we live in a rural area, we have come to appreciate reliable communications with other parts of the country. We do not want to be denied these links with the rest of the area due to the power lines.

In conclusion, as landowners with a stake in the future of Broadwater County, we feel the following recommendations should be considered and implemented as a prerequisite to the lines crossing our county:

1) Affected landowners must have the right to locate lines on a route through the county that will have the least impact on farm and rangeland. This is especially true in areas where the line must pass through present, future, or potential sprinkler irrigation areas.

2) Payment for right of ways, access areas, and tower locations must be recompensed at true market value of the land. This "true market value" should be determined with consideration given to potential uses other than farming, such as potential subdivisions or recreational uses.

3) Landowners must have control of access to the road along the lines. We do not need additional public access through our farms, ranches, and rangelands.

4) Research must be conducted to quantify and qualify any possible hazards in operating either sprinkler systems or farm equipment around these lines.

5) Procedures to reduce damage during construction must be established and adhered to at all times. Landowners must be recompensed should any damage be done to areas adjacent to the grant right-of-way.

6) Care must be taken in line placement so that landowners and residents are not denied the benefits of reliable radio and television reception.

7) It is reasonable to assume that many effects of power lines crossing a landowner's property will not be realized until well after the lines have been built. In cases where it can be demonstrated that the power lines have caused unrecompensed devaluation or other damage to surrounding areas, landowners will have the right to submit their cases to arbitration in order to be recompensed.

Ed Flynn
Statement

To Whom It May Concern:

We, the undersigned, are landowners who may be affected by the proposed transmission lines through Broadwater County. We concur fully with the above testimony and we feel that the recommendations are necessary prerequisites to placing transmission lines across our property. In order to expedite the hearing process we have designated Ted Flynn as our representative to place our concerns before the Board of Natural Resources.

William Flynn	Townsend Mont.
Robert L Bensley	" "
Charles Masolo	Winston Mont
Laird Plymale	Townsend, Mont.
Donald Williams	Townsend, Mont.
Daniels Ranch by Harry Cartwright	Townsend, Mont.
L R. Dagnall	" "
Hidden Hollow Ranch by Frank Flynn	Townsend, Mont.
Walter Ray Doig	Townsend, Mont.
Kurt Spatzerath	Townsend, Mont.
Chester F. Scoffield	Townsend Mont
Frank McArthur	Townsend, Mont.
Jack Nelson	Townsend, Montana
D. D. Davis Ranch Co by Robert L. Davis, pres	Townsend, Montana
Hunsaker Bros.	Toston, Mont.

[illegible]

Le Roy Long Toston, Mont.

[illegible] Shearer Townsend

Donald W. Shearer Townsend, Mont.

Annie M. Mandrell Townsend Mt.

Michael C. Scoffield Townsend, Mont.

EXAMINATION OF TED FLYNN

Cross, by Applicants

By Mr. Ross:

Q When did you decide to testify in this proceeding?

A Oh, I guess it was about four months ago. It was about four months ago after I realized that we would be able to put an input into the hearing.

Q Did you ever discuss the testimony, or the possibility of testimony, with Tom France or any of the other members of Northern Plains Resource Council?

A As far as the testimony that you have in front of you there, no, I did not discuss any part of it with them.

Q Did they ask that you come and testify, or encourage you to testify?

A They told me that if I wished to come and testify that I could.

Q How old are you?

A Twenty-nine.

Q How large is your ranch?

A Four thousand four hundred acres.

Q Is that all deeded land?

A Yes.

Q Can you give me a breakdown as to what part of it is grazing or what part of it is irrigated?

A Yes, approximately 600 is irrigated, and the rest of it is rangeland.

Q You state on page 1 of your statement that your concern is the transmission lines because they may pass through your

pasture. Is it the transmission lines that are your prime concern in this proceeding?

A Yes, sir.

Q Are you opposed to the construction of units 3 and 4 themselves?

A You're talking in regards to my testimony, or my own personal feelings?

Q Your own personal feelings?

A I am opposed to the construction of 3 and 4?

Q On what basis?

A On the basis that I feel that the coal could be just as easily shipped to the points where it is to be used via railroad or whatever.

Q Have you made any studies comparing the shipment of coal versus transmission?

A I have made no studies myself. I think that's a little bit beyond my scope; I've read other people's studies, however.

Q Are you aware that the county commissioners in Broadwater County support this project?

A I'm completely aware, and for reasons completely beyond me. I don't know why they come out in favor of it.

Q Don't you think that the development of sprinkler irrigation is going to require electrical energy?

A Yes, sir.

Q Are you also aware that in the routing of these proposed 500 kv transmission lines that efforts are made to avoid lands that will be subject to sprinkler irrigation?

A Well, I realize that efforts are made to avoid these areas

where possible, but that's fine and dandy to say that, but then they come along with the three mile wide corridor, and they run it right down through sprinkler irrigation lands. They say one thing and do another. You cannot cross Broadwater County without going through sprinkler irrigation lands.

Q Are you aware that a study on the effects on radio and TV has been made on this 500 kv transmission line?

A I'm sure there have been.

Q And are you aware that if any interference occurs, it will be corrected?

MR. GRAYBILL: To which I object because there's absolutely no proof that that's even possible much less true. It's a self-serving statement made in the form of a question.

HEARINGS EXAMINER: What was the question again?

MR. GRAYBILL: He said are you aware that any radio interference that exists will be corrected? I don't know that that's even a question, but it's a self-serving statement, and it's not a correct statement of the evidence, and it isn't asked in a proper hypothetical case.

HEARINGS EXAMINER: Well, if you could rephrase it, if it can be corrected, if he thinks it can, I don't know what the --

Q Are you aware that studies have been made on the effect of the lines on radio and TV?

A Like I said, I'm sure there have been studies made.

Q Are you aware that those studies show that if any interference occurs, it will be corrected?

MR. GRAYBILL: To which I object because that is not what the studies show. There are studies in here, but there is no way of knowing whether it will be corrected or not by a study.

HEARINGS EXAMINER: Is that study you're referring to in evidence here?

MR. ROSS: No, it's not. I'm asking if the witness is aware of it?

HEARINGS EXAMINER: Well, he's answered he isn't. Well, go ahead answer if you're aware of the study, and he says he is aware of studies?

MR. ROSS: And I'm asking if he's aware that the studies show that any adverse affects will be corrected?

MR. GRAYBILL: This question is based on an improper analysis of the record. There is no showing that such interference can be repaired, and until there is such proof, I don't think that the question should be allowed in the form which implies that it can be.

HEARINGS EXAMINER: I'll overrule the objection. I'm sure Mr. Flynn can explain what he knows about it and what he doesn't.

A The way I understand it is that okay, if you bring a power line through and there is interference, that the power companies say that they will attempt to take care of it. Okay, fine and dandy, but the thing is I don't really think the study shows exactly what the range of the affect of the power lines will be on radio, television, and telephone communications; and if the study states that the affects are felt up

to a mile and they place their power lines a mile from a guy's house, and then it eventually does show that he does have communication problems, then what are they going to do? Are they going to move his house, or what are they going to do?

HEARINGS EXAMINER: Next question.

MR. ROSS: No further questions.

Redirect, by Northern Plains Resource Council

By Mr. Graybill:

Q Now, Mr. Flynn, I want to ask you just a couple of questions about some of the things you talked with Mr. Ross about. In your statement, you showed your concern for irrigation, and I'm not quite sure -- I'd like you to explain to me the nature of the aerial spray irrigation that you're talking about. I'd like you to tell me a little about what's happening in the agricultural world in terms of aerial spray irrigation?

A Well, I don't know exactly what you mean by aerial spray; I'm talking about movable sprinkler units, wheel lines, and circle pivot lines.

Q All right, would you explain what those are to me?

A Okay, in my statement, I make the statement that is correct, I believe, that this is the first place between Broadview and Broadwater County where power lines will go across lands that is potentially irrigable by sprinkler irrigation and, in fact, there is a great deal of sprinkler irrigation systems in Broadwater County, especially in the last ten years, we do

have a lot of these wheel lines and circle pivot lines. Many many of the, for instance, the wheel lines are designed for broad expanses of territory to work on, up to block fields 160 acres in size. If you would have two of them side by side, you can have an area a good half mile long, a half mile by a half mile, that you can irrigate. My contention in my testimony was that if a power line comes down through here, you will not be able to operate these mobile sprinkler irrigation systems?

Q What's the affect of putting power line towers in the middle of this, or in this type of irrigated field?

A Well, like Mr. Ross said, the power company says that they will try to avoid sprinkler irrigation areas if they can, but then again they say they're going to try to avoid them, but then they put the corridor right down through the middle of the valley.

Q Well, Mr. Flynn, maybe this is too obvious, and I'm certainly not trying to lead you, but if you had a field like this that you wanted to irrigate and they put a tower in the middle of it, what affect would that have on your wheel line system?

A Well, you're right, it's pretty obvious; you're out of business as far as sprinkler irrigation is concerned.

Q You mean the wheel line system can't go through the tower?

A Well, there is a current 115 kv line with wood poles that goes through the county, and there are some people that yes, they are operating around them, but they have to pull their lines completely apart and move their lines, and I guess maybe you

could, but boy it's not economical and it's not practical. You couldn't do it with a circle pivot. If you've got a line that you don't mind breaking down and going to a heck of a lot of work, you might be able to do it; but in most cases, I would say that a power line through a tract of ground like that will preclude sprinkler irrigation.

Q What's the advantage of sprinkler irrigation over gravity ditch irrigation?

A Well, the advantage is that you can irrigate areas above water supplies. In other words, if you have a canal or a first right to one of the perennial streams that comes out of the Big Belt Mountains, for instance, then if you happen to have territory that's below this source of water, then you can gravity flood it. But if you're trying to irrigate something that's above the source of the water, the only way to get it there is to sprinkle it.

Q Can the sprinkler irrigation systems operate on non-level land?

A They certainly may; they can go on ground, I would say, up to slopes of 5, 6, 7 percent without too much difficulty at all.

Q Does that make more land available for irrigation than by the gravity feed method?

A Oh, it makes -- I forget what the figures are in Broadwater County, but I would say there is in the neighborhood of between 10,000 and 20,000 acres that are probably suitable for irrigation under this method.

Q What has been the affect on the crops in the area after you

sprinkler irrigate?

A Well, you take most of Broadwater County that's airable, that is that would possibly be suitable for cropping, is in a 10 to 14 inch rainfall zone. When you're talking about a 10 to 14 inch rainfall zone, you're talking about a maximum production on range of about 1,000 pounds of grass per acre. When you're talking about sprinkler irrigation on such a system, you're talking about, especially in the first few years with fertilization, you're talking about 60 to 70 to 80 bussels of grain per acre; you're talking about 4 or 5 or 6 ton of alfalfa to the acre.

Q So in other words, the productivity of the land is greatly increased by the sprinkler irrigation?

A Greatly increased is an understatement, it's fantastically increased.

Q In your opinion, what would be the effect of putting a power line such as the double 500 kv line we're talking about here through an irrigated land? Would that tend to raise or lower the productivity of the land?

A Well, not only would it lower the productivity of the land, in the case of going across a man's field that is either under sprinkler irrigation or potentially under sprinkler irrigation, it would have the effect of devaluing that land. Well, since he couldn't use it for irrigation and it was potentially irrigable, it would probably devalue the land four or five times.

Q Is there land available for irrigation now which was not available for irrigation a few years ago before the sprinkler

systems came in?

A Well, as I pointed out in testimony, the technological developments of the last 15 years have made 10,000 to 20,000 acres of additional land come under sprinkler irrigation in just the last 10 to 15 years. Now in the future, it's pretty dog gone hard to tell. They're drilling wells all over that county. There's thousands of acres up on the bench lands that are relatively flat lands with probably 2 to 3 degree slopes that if a well can be dug and we could talk Montana Power into running a power line up to us, then we could probably irrigate that, too.

Q In other words, there are lands that we really can't tell at the present time whether they will be irrigable or not; is that true?

A That's exactly true.

Q So even if you put the power line in and tried to avoid presently irrigated lands, you might cross lands that in the future could be irrigated?

A That's exactly true.

Q Are you aware that the Montana Power has indicated in its answers to interrogatories that it does not intend to use any of the Colstrip power for irrigation?

A Well, I was under the understanding that most of this power will be going out of state, and I'm --

MR. BELLINGHAM: We move to strike the answer as not responsive.

HEARINGS EXAMINER: Well, I think the answer to the question would be whether you're aware or not aware of

what the interrogatories filed in this case stated.

Q In other words, do you know or do you not know that the Montana Power Company has indicated that it will not use power from Colstrip 3 and 4 for irrigation or agricultural purposes?

A No, I don't know.

Q You didn't know that.

MR. GRAYBILL: I think that's all.

HEARINGS EXAMINER: Mr. Ross?

Re-cross, by Applicants

By Mr. Ross:

Q I gather from your testimony that you think that sprinkler irrigation is going to increase significantly in Montana?

A Well, that's not particularly true either. As I said in that statement, Broadwater County has good fertile soil, and it has good water. Now there's much much flat land that is potentially irrigable in Montana, but if you don't have the water that you can possibly get to it, then you can't irrigate, and Broadwater County, in that small, small area, relatively speaking, I think there is a lot of potential for sprinkler irrigation, but generally in Montana I don't think so.

Q Well, don't you think that this potential irrigation that you did refer to is going to take a lot of electricity?

A I think that's true, but I don't think it's going to take two 500 kv lines to run the ones in Broadwater County.

MR. ROSS: No further questions.

MR. GRAYBILL: That's all.

HEARINGS EXAMINER: That's all, thank you, sir.

(WITNESS EXCUSED)

HEARINGS EXAMINER: Next witness?

MR. GRAYBILL: Mrs. Mannix?

MRS. FRANCIS (TERRY) MANNIX, called as a witness by the Northern Plains Resource Council, having been first duly sworn upon her oath, both as to her written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

(THE WRITTEN DIRECT TESTIMONY OF MRS. FRANCIS (TERRY) MANNIX WAS DIRECTED TO BE INSERTED AT THIS POINT.)

STATE OF MONTANA

BEFORE THE BOARD OF

NATURAL RESOURCES AND CONSERVATION

STATEMENT OF

MRS. FRANCIS (TERRY) MANNIX

My name is Mrs. Francis (Terry) Mannix. My family and I live on Nevada Creek where the Mannixes have ranched for nearly 100 years. I am here speaking for many neighbors and friends who oppose the construction of Colstrip Units 3 and 4 and the 500 k.v. transmission lines that are proposed to come through our area. The concerns I will mention are shared by many landowners between Avon and Ovando -- for many of us will have our land condemned. And those not actually involved in the land transfers will be obligated to live with the same blight running across the skyline.

We live in a geographic area that has been ranching country since our grandfathers' time, and remains today a scenic, primitive region, much as it was in homesteaders' days. Our Nevada Creek Valley is one of the last areas in the State unscarred by powerlines, railroads, pipelines, or interstate highways, and with the exception of one 230 k.v. line, the same can be said about the Blackfoot Valley to the north and west of us. This in itself is one reason we oppose the line -- areas such as ours, rare as they are today, should be

developed carefully and with a maximum of input from the people who have chosen to live there. The Colstrip project has not begun to meet this criteria.

Our area, as you know, is mountainous -- we live in the valleys and our ranching operations are dependent on the feed we raise on irrigated lands. These powerlines would restrict our use of presently flood irrigated meadows and pastures, and curtail the addition of sprinkler systems that might expand our hay base. There is the obvious danger of coupling together water with high voltage electrical lines -- we feel this subject has not been adequately addressed in the impact statement.

Beyone the look at irrigation problems and future expansion by a particular rancher, each one of us would at the time of construction, and for years to come, be subjected to additional problems and cost in harvesting our crops. Towers will be a perpetual inconvenience in the operation of haying equipment -- as it is now, we all compete weather, time and machinery to get our hay each summer.

Each tower will necessitate the movement of heavy equipment onto our land and the construction of access roads and gates. For at least two growing seasons our lands will be torn up and our operations interrupted before the project is completed. After that we will have a harder time knowing who is on our land and who left the gate open, and

open gates alone, as any rancher knows, can cause irreparable damage to a crop or breeding program.

To these considerable problems is added a question. Does any company through the use of eminent domain, have the right to reduce property values by 50 percent or more. We have found no discussion of this topic in either the Westinghouse Report of the State's impact analysis, yet it is another loss that will affect our lives and livelihood. Property devaluation, like so many other impacts of these lines, will be permanent, not a matter of two, three or five years.

In summary, these lines will affect all aspects of our ranch, our safety, our cattle operation, and as my husband says, our hopes of selling out so we can "get the hell out of this country." He's not serious, but this whole matter is, for as it affects our ranch, it will do the same for our neighbors. Some of the costs I am talking about can be easily counted in dollars, while others, like the feelings we have when we look out across the pastures and up into the hills, are more difficult to measure. We feel, though, that all of the costs must be figured out before a decision on Colstrip and the power lines can be made. As we see it, the known costs to us, friends in our area, and people all across Montana, are much too high to be offset by power plants and lines of such questionable need and equally questionable benefit.

EXAMINATION OF MRS. FRANCIS (TERRY) MANNIX

Cross, by Applicants

By Mr. Ross:

Q Mrs. Mannix, how large is your ranch?

A Total acres about 18,000 owned and 11 or 12 leased.

Q How long have you owned the ranch?

A My husband was born and raised there, and it's been in and out of the Mannix's hands since 1906.

Q You indicate that your views are shared by other landowners. Can you give me the names of those people?

A I could, yes. I have a list of some people I feel that I'm representing that are here today that came to here for this particular occasion. There are others, of course, that were unable to attend, but we would have their names.

Q Did you attend the public meeting on this project at Ovando?

A No, not at Ovando, no.

Q Did you attend any other public meetings on this project?

A Not as such, no. I am on the Land Use Advisory Council Planning Board for what we call the tri area, Avon, Helmville, and Ovando, and although I don't believe that's in my statement, this is how I became interested in this type of thing. We are very concerned about the use of our land, and through that we came to the understanding of this transmission line that's to go through our properties there, and became concerned. It's really rather a tri community effort.

Q You mention on page 3 of your statement that you think all of the costs must be figured before a decision is made. Don't you think there are also a number of benefits that might

1 result from this project, such as taxes and jobs and energy,
2 that will also have to be weighed?
3 A Well, I think to be perfectly fair, of course, all considera-
4 tions should be weighed, but I think there are innumerable
5 hidden costs, or at leasts costs that are difficult to put
6 into a dollar and cents value, such as I said in my statement,
7 a view in itself. How do you put a dollar on that?
8 Q You mentioned that one of your concerns is that with the con-
9 struction of transmission lines, there are gates, and that
10 the gates could be left open. Were you aware that those gates
11 could be removed after construction?
12 A No, I really wasn't aware of that. In fact, I can't say as
13 I believe it because it's my understanding they have to have
14 access to these towers; and if these towers are there, they
15 have to get to them somehow, and they're not going to tear
16 my fence down to get to them, are they? There will have to
17 be a gate for access; I believe that would be logical.
18 MR. ROSS: No further questions.
19
20 Redirect, by Northern Plains Resource Council
21 By Mr. Graybill:
22 Q Well, Mrs. Mannix, you say in answer to a question by Mr.
23 Ross that, of course, there are some benefits. If it could
24 be shown that the coal which eastern Montana has could be
25 mined and then moved to the load centers so that the elec-
26 tricity could be generated from the coal, energy could be
27 gotten from the coal, without building a transmission line,
28 would you have any objection to that?

A That's a far-reaching question. No, not as such. My main thinking on this is what it does to me personally, or what it would do to our ranch personally. From what I understand, it would be logical to me that it would be a lot better for my ranch if they would just ship the coal and do whatever it is they want to do with it without building this horrible thing behind my barn.

Q Well, Mrs. Mannix, you mentioned hidden costs, and I take it from your statement that one of those hidden costs is the aesthetic or the view, that is looking at it. What are some of the other hidden costs that you expect?

A Well, I think property devaluation as I also mentioned, although that's not exactly a hidden cost; but we have been advised by a realtor, my husband was advised, that potentially to sell the ranch if this line was visible, we happen to have a very beautiful ranch, it's very scenic, and if this line was a visible thing behind my barn, which is where the maps show that it is going to go, it would reduce the value of a resale by quite a bit.

Q Do you think it would have any affect on your operation of the ranch?

A Oh, I'm sure it would. In the first place, I'd be scared of these high voltage lines, and from the way the map showed, it's going to go through part of our irrigated meadows, and we flood irrigate right there at our place, and I would be concerned about the safety of animals or equipment during irrigating time when we do sometimes have to take equipment through the fields.

Q Did you know that the Bonneville Power Administration put out a bulletin that explains to farmers the activities that they have to, or the things they have to do, to be sure that they can safely operate under a high tension line?

A No, I'm not aware of that.

MR. GRAYBILL: I think that's all.

Re-cross, by Applicants

By Mr. Ross:

Q Who was the realtor that told your husband about the devaluation of the land from transmission lines?

A I don't know who it was. It was a fellow up the Blackfoot that my husband is acquainted with, and I don't know his name. My husband does; you could ask him, of course.

Q Are you aware that if the transmission line is approved, the exact location of the center line can be moved?

A Yes, it's my understanding that there is leave way in the actual building of it, which is certainly the only piece of grace in the whole proposition as far as I can see.

MR. ROSS: No further questions.

HEARINGS EXAMINER: Mr. Graybill?

MR. GRAYBILL: That's all.

HEARINGS EXAMINER: Very well, thank you, Mrs. Mannix.

(WITNESS EXCUSED)

HEARINGS EXAMINER: Next witness?

MR. GRAYBILL: Mr. Rostad?

PHIL ROSTAD, called as a witness by the Northern Plains Resource Council, having been first duly sworn upon his oath, both as to his written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

(THE WRITTEN DIRECT TESTIMONY OF MR. PHIL ROSTAD WAS DIRECTED TO BE INSERTED AT THIS POINT.)

STATE OF MONTANA

BEFORE THE BOARD OF

NATURAL RESOURCES AND CONSERVATION

STATEMENT OF

PHIL ROSTAD

My name is Phil Rostad. My address is Loweth Route, Martinsdale, Montana. I am President of Rostad and Rostad, a family ranching corporation originally started in 1896 when my grandfather bought one section from the Northern Pacific Railroad. We currently operate a cow/calf/yearling operation in the south fork of the Musselshell River Valley.

My neighbors met and nominated me to represent them before this Board and to express their reservations and concerns about the Colstrip to Hot Springs 500 k.v. transmission lines.

Our family operation lies on Bozeman Fork, which, along with Warm Springs Creek, form the headwaters of the south fork of the Musselshell River. The south fork drainage itself is quite narrow, sitting between the Castle and Crazy Mountain ranges. For the most part, the valley is no more than two miles wide, in terms of irrigated production. At present, the Milwaukee Road railroad track and Montana Highway #294 run through what limited agricultural production the valley offers. Any further erosion of this limited

agricultural base will seriously diminish the agricultural productivity of the area.

Our ranch headquarters is at an elevation of approximately 6,000 feet. During the normal year we feed our cattle from December 15 to May 15, a period of five months. Therefore, our hay meadows are essential to the successful operation of our ranch. The proposed 500 k.v. lines would bisect my hay meadows. The results of this would be twofold: aside from taking vital land out of production, towers in the middle of our hay lands would preclude the use of sprinkler irrigation, and there will certainly be danger associated with working under these lines during haying and feeding.

A further concern is that in the development of the Fort Union coal deposits, the F.E.A. estimates the construction of 25,000 MW of generating capacity. The Colstrip proposal is really just the beginning of the development of those coal deposits. If approved and if the applicant companies are granted their preferred route through our valley, we can only expect to see more lines through our ecologically fragile area. The issuance of authority to build the first two lines carries implicit authority for the routing through our valley of as many more lines as the energy industry feels they need. As I alluded to before, the elimination of the capacity to raise hay and grain would eliminate the livestock enterprise as we now know it. The Board should carefully consider this possibility.

Our area will also be faced with several problems as a result of the construction of new roads. The Crazy Mountains are, as of now, a largely untraveled wilderness area with few existing access roads. Since service roads are necessary along the transmission lines, we are concerned about the possible loss of our elk, deer, antelope, and bear due to increased hunting pressure. The loss of control over access not only affects the wildlife, but also creates additional problems for the landowner.

Of further consideration is the maintenance of the lines. In 1972, Montana Highway #294 was closed several times for as long as 10 days at a time due to heavy snowfall and drifting in the valley. The same situation was repeated in 1975. Equipment and men must be able to move into the area at any time for emergency repairs. This is not only important for the operation of the lines, but also to the safety of those of us who could be forced to live near them.

I have attempted to outline some of the problems with these proposed lines, as I see them. I feel confident that I have also expressed some of the concerns of my neighbors. We stand opposed to these lines and request that the Board move with the greatest of care before deciding whether or not to grant the appli-ation of the five utilities to build these large lines.

EXAMINATION OF PHIL ROSTAD

Cross, by Applicants

By Mr. Bellingham:

Q Mr. Rostad, I see, according to your statement, that you're the president of Rostad and Rostad, a family ranching corporation?

A That's correct.

Q That's in your immediate family?

A Yes.

Q That is your wife and children perhaps?

A Mother.

Q It is a corporation?

A Yes.

Q Does your mother own a majority of the stock?

A No.

Q Who owns the majority?

A I do.

Q And who else owns stock besides your mother?

A My wife and two children.

Q And I take it that this ranch that you refer to is one that's been in the family for many years?

A That's correct.

Q Must have been handed down from father to son and so forth?

A Yes.

Q How many acres are involved?

A Roughly 10,000.

Q Is this all deeded land?

A Yes.

1 Q No leased land?
2 A There is some leased land aside from that.
3 Q Over and above the 10,000?
4 A Yes.
5 Q And from whom do you lease land?
6 A The state of Montana and a private lessor.
7 Q This is school land, is it?
8 A Yes.
9 Q Now I take it from your statement that the route is across
10 a part of your land; is that right?
11 A Yes.
12 Q You are aware, I think, from previous interrogation here to-
13 day that the center line as presently fixed can be moved one
14 way or another to accommodate the ranchers in the route's line
15 in order to take care of problems that may arise. Are you
16 aware of that?
17 A Yes, I am. I am also aware that we have a very narrow area
18 there, and that the movement limitations are there.
19 Q But there is a possibility that the line would not have to
20 go through your hay meadows, for example?
21 A There is a possibility of rerouting, yes.
22 Q Fine. Now you talk about taking land out of production.
23 What kind of hay meadows do you have there? Is it irrigated
24 land or not?
25 A Yes.
26 Q Do you presently have an irrigation system?
27 A Yes.
28 Q What kind is it?

A At present it's flood irrigated.

Q Yes. Do you contemplate putting in sprinkler?

A We've considered it, yes.

Q And you rejected it to date, I gather?

A To date.

Q Yes. And you are aware, are you not, that there is such a thing as a self-supporting tower that can be utilized in order to minimize the amount of acreage that's taken out of production?

A Yes.

Q And do you know how large the base of that tower is that's proposed by the Montana Power?

A No.

Q If I told you it was 26 feet by 26 feet, would that --

A That would sound reasonable.

Q Yes, it sounds reasonable to you, does it, and with no guyed wires; are you aware of that?

A Right.

Q They can be put up. Do you know how much acreage that would cover approximately?

A I have no idea.

Q Well, I wouldn't either, I'm sure, if somebody put it to me like I just did you, but if I told you it was .015 acres, would that seem a reasonable figure?

A Yes, that sounds right. The problem is movement around the tower in the middle of a field.

Q Yes, we understand that, and we'll get to that.

MR. GRAYBILL: Mr. Bellingham, let the witness

1 answer, please.

2 MR. BELLINGHAM: I think the witness had answered,

3 Mr. Graybill.

4 Q Had you finished answering?

5 A Yes, I have.

6 Q You are aware that you will be allowed under such an easement

7 to continue ranching or farming in the area underneath the

8 line?

9 A Well, I would hope so, yes.

10 Q We realize that there is a certain amount of inconvenience,

11 but --

12 A I think one that they're probably unwilling to pay for.

13 Q Pardon me?

14 A I think they're probably unwilling to pay for the inconven-

15 ience.

16 Q Well, that's something that I suspect we're going to have to

17 leave up for further negotiation between you and the company

18 down the line, and I don't think that there's any need for

19 us to get into that today. However, as far as irrigation is

20 concerned, I'm talking now about sprinkler irrigation that

21 you've rejected so far, there is a certain kind of sprinkler

22 irrigation that can be used underneath the towers. Were you

23 aware of that?

24 A Could you elaborate?

25 Q Well, there is a certain type of sprinkler irrigation --

26 A I know of no such that can be used under a facility of this

27 nature.

28 Q Well, I think someone previously testified relative to a

circle pivot, a large type, that is impossible, but are you aware that there are other types that can be utilized?

A Well, Mr. Flynn indicated the wheel lines can be broken down and moved around, but this is patently ridiculous. If you're familiar with wheel line sprinklers, the economics wouldn't justify such an undertaking.

Q Well, this wouldn't affect you as of now in any event, would it, as far as your sprinkler is concerned because you don't have any?

A No. Excuse me, I might amplify that just a little. I think that when you close an option to an economic venture, certainly you're the loser.

Q Yes, but if that line were routed around your hay meadows, that would not remove your option, would it?

A That's correct.

Q Yes.

A May I say something more here?

Q Yes, sir.

A I'm not convinced of the necessity for the line in the first place is my primary concern. They haven't shown me that the transmission lines are necessary. Certainly if 3 and 4 go in, why they have to use the power, but the package concerns me.

Q We understand that or you wouldn't be here today, but don't you think whether or not the transmission line is a necessity and whether 3 and 4 is a necessity can be best left up to the Board of Natural Resources before whom this hearing is being held, and I'm talking now about a final decision?

1 A The department, as I understand it, has failed to come up with
2 any justification for the unit. Is that correct?
3 Q Oh, I think you are very correct in that. The department, in
4 fact, has wholly opposed this throughout in every respect,
5 and we're talking now about the Department of Natural Resources?
6 A That's correct.
7 Q Yes, but I referred you to the Board of Natural Resources.
8 In the final analysis it's their decision; we're aware of
9 that, are we not?
10 A Yes. Are you suggesting that these gentlemen are experts by
11 virtue of their appointment?
12 MR. BELLINGHAM: I think perhaps the record ought
13 to show scattered applause in the audience. I don't
14 know if the board would appreciate that or not.
15 Q However, I don't care to get into philosophical argument
16 about whether these gentlemen are experts by means of appoint-
17 ment any more than a gentlemen becomes, or a person becomes
18 a gentlemen by virtue of taking an oath of commission in the
19 United States Army. However, I would like to point out to
20 you that the final decision is made by the Board of Natural
21 Resources; you're aware of that?
22 A I'm aware of that.
23 Q Based upon the evidence; you're aware of that, also?
24 A Yes.
25 Q And you are a part of the evidence that's being put in?
26 A Hopefully.
27 Q What do you mean hopefully?
28 A Well, I would hope that they consider all of the testimony on

1 some sort of an equitable basis.
2 Q Now, Mr. Rostad, do you have any reason to believe that the
3 Board of Natural Resources will not consider your testimony?
4 A Well, let me say that if I was a member of the Board and had
5 reams of information to assimilate and arrive at some sort
6 of a valid decision, I think I would find it extremely diffi-
7 cult to consider all of the testimony that's been entered in
8 evidence in the 18 months, two years, or whatever we've been
9 hassling around here.
10 Q Do you recall my question?
11 MR. GRAYBILL: I think he's answered your question,
12 Mr. Bellingham. If not, I'm sure he'd be glad to have
13 you ask it again.
14 Q I asked him the question do you recall my question originally?
15 A No, I've lost the thrust of your remarks.
16 Q I asked you if you had any reason to believe that the Board
17 of Natural Resources would not consider the evidence?
18 A They're going to have to consider the body of which the parts
19 are the whole, I suppose. Certainly it's a difficult task
20 for them in all candor.
21 Q And I'm sure you must be aware of that, too?
22 A Yes, surely they will consider the testimony.
23 Q It's a difficult decision for them, I'm sure.
24 A Yes.
25 Q And that's why we're here today to put evidence in, and you're
26 a part of that, and I'm sure that your evidence will be trans-
27 cribed the same as all other evidence and will be duly con-
28 sidered by the board. You agree with that, I'm sure?

A Yes.

Q Now you indicate that if the applicant companies are granted their route through your valley, you can only expect to see more lines through the area. Why do you say that?

A Studies have been made as far as utilization of the Fort Union coal deposit, I think, indicating as many as what, 23 generating facilities? You here all the way from 17 to 23. Certainly mine-mouth generation facilities have to transport energy via transmission lines to the centers. Is that correct?

Q Well, I'm not testifying today, Mr. Rostad. I think we can assume that your statement is reasonably correct, yes.

A So that 3 and 4 are the tip of the iceberg, in my opinion.

Q Well, now let's go into that subject as long as you brought it up. You're aware, of course, that each application, and this is an application for 3 and 4 along the transmission lines, are considered by the Board of Natural Resources in and of itself? You're aware of that, are you not?

A Yes.

Q Under the appropriate statute. And they make their decision, as we've discussed before, based upon the evidence presented; and you're aware of that?

A Yes.

Q Now then any other future generation site that may come along, you are aware of, must be considered once again by the Board of Natural Resources?

A Yes, I'm aware of that. I'm also aware that once the corridor is established, it's a simple matter to condemn additional

1 property right along side of it.
2 Q Well, I'm talking about there's not going to be any more
3 transmission lines if there's not more generation, is there?
4 A Well, certainly the Fort Union coal deposit is going to be
5 utilized. I think the national interest demands this.
6 Q And are you aware of the fact that a lot of this coal is
7 being shipped east now?
8 A Yes, I am, and I assume that some of these generation facili-
9 ties will be piping it by overhead transmission lines east.
10 Some of it will continue to come west, however.
11 Q Well, you're not sure of that, are you? This is your hypo-
12 thesis; you're speculating now, are you not?
13 A Well, our west coast is growing probably faster than any
14 other area of the country at the present time.
15 Q Well, you're speculating as to the future?
16 A Well, sure. The companies are speculating on the demand for
17 power.
18 Q Well, that's another matter to be decided by the Board of
19 Natural Resources, is it not, as to the future demands for
20 power? That lies within their province, doesn't it?
21 A Yes, I hope so, yes.
22 MR. BELLINGHAM: I have no further questions.
23
24 Redirect, by Northern Plains Resource Council
25 By Mr. Graybill:
26 Q Well, Mr. Rostad, you just said that you were not convinced
27 of the need for this line. Is there any reason why you don't
28 believe it's needed? Is that because it could be transmitted

1 in another manner, or what do you mean by that, that you're
2 not convinced of the need for the line?
3 A Well, I'm not sure of the need for the generating energy to
4 be produced by 3 and 4.
5 Q Why do you say that?
6 A Well, number 1, I think the Department of Natural Resources,
7 who I rely on their technical ability, they've spent a lot
8 of time and a lot of money in some expert witnesses and so
9 forth who say that they haven't shown the need; the companies
10 that are petitioning have not shown the need. Secondly, the
11 Standard this morning has an article regarding the sale of
12 surplus energy by the Bonneville Power Administration to
13 the southwest.
14 Q What do you mean the Standard; oh, the Montana Standard?
15 A The Montana Standard, today's Montana Standard has a front
16 page article regarding some testimony in Washington by the
17 head of the Bonneville Power Administration. I can read it,
18 it's a short article, if you'd like.
19 Q Well, the applicants here have contended that there's a shor-
20 tage of power in the northwest. Is there anything in the
21 article that would indicate that that's not true?
22 A No, on the contrary, they indicate a surplus which they're
23 trying to merchandise in the southwest.
24 Q When you mentioned west coast growth, were you talking about
25 that? You said awhile ago --
26 A Well, I'm talking about the Bonneville Power Administration
27 where it's my impression that we're tying into the Bonneville
28 power grid at Hot Springs. Is that correct?

Q Yes, that's true. Do you know who it is that made the statement that there was excess power in the Pacific Northwest to sell to the southwest?

MR. BELLINGHAM: Now at this time we object to any further interrogation relative to a purported article in some paper on the grounds it's heresay.

MR. GRAYBILL: I've asked if he knows the name of the man that made the statements he's alluded to. I don't see anything objectionable to finding out his name.

MR. BELLINGHAM: We reiterate our objection.

HEARINGS EXAMINER: Well, he can state the name of the man. The Bonneville Power's testimony -- they've been here and testified, and it's going to be before the board and we're not going to put in any newspaper articles, but he can state who made the article in the newspaper. I imagine everybody's read it. Go ahead, you can answer the question; your objection is overruled.

A The man's name was Don P. Hodel, Administrator of the Bonneville Power Administration testifying before the House Public Works Commission.

Q And was his statement persuasive to you that there's not a power shortage in the Pacific Northwest?

A That's my understanding from the article, yes.

Q Now Mr. Bellingham talked to you about a self-supporting 26 by 26 foot tower. Did you know that the power companies in this, the applicants in this case intend to use these towers only on cultivated land and not on grazing land or, for that matter, on hay land?

A Yes, I'm aware of that.

Q The other form of tower that they use is a guyed tower and the guys are 150 feet apart. Would that have a tendency to interfere with irrigation, sprinkler irrigation?

A Yes, this is certainly the case. You're assuming that ground not now under irrigation would be put under sprinkler irrigation?

Q Yes.

A Yes, certainly.

Q Well, and I'm also concerned, I understand Mr. Bellingham asked you if this would affect your present land, but the fact of the matter is there are other neighbors of yours, aren't there, that irrigate besides yourself?

A Yes.

Q And are you aware, in your area, are there people using sprinkler irrigation systems now?

A Not to my knowledge in the south fork as yet. It is a very efficient use of water, however.

Q And that's what you meant by saying that if you couldn't do that, it would remove an option that you might need in the future?

A Yes.

Q Have you tried to get the Montana, have you ever tried to get the Montana Power or a public utility to move the center line of a power line?

A No, I never have.

Q And while it might be possible, you don't know what that entails?

A No.

MR. GRAYBILL: I think that's all I have.

Re-cross, by Applicants

By Mr. Bellingham:

Q Mr. Rostad, do you want us to understand that your conclusion as to the need for these units is based upon a three inch story in some newspaper? Is that what you want us to believe here today?

A No, I want you to believe that the Department of Natural Resources has not found the need for the Siting Act with the five petitioners; the department has not found that they've established the need.

Q Do you know when the department made that decision?

A Last fall, I believe, sometime.

Q Do you know that the evidence in this case is what is controlling as far as the Board of Natural Resources is concerned and not some study that somebody has made prior to the institution of these proceedings? You're aware of that, of course?

A Well, the Department of Natural Resources made the study in connection with the petition for the -- under the Siting Act.

Q That's correct, but at that time did the department have before it the evidence in this case? Do you know? You don't, do you, really?

A No.

Q No. And you don't know what the evidence is in this case as far as need is concerned, do you?

A No, I can't say that I do.

Q That's right. You haven't read the transcripts, obviously? There's no reason for you to, isn't that right?

A Well, I think the Montana Power has stated in public testimony they're looking at what, growth of what, 5 to 6 percent?

Q Do you remember the question I put to you a minute ago?

A No, I've lost track of it.

Q I asked you whether or not you've read the transcripts, and I think you said no.

A No, I'm not an expert witness in this.

Q We wouldn't expect you to be. And you have not looked at the exhibits in this case either, have you?

A Other than the Westinghouse Study, I've looked through that at some length.

Q But as far as the exhibits, the charts and so forth, relative to need, you haven't looked at those?

A No.

MR. BELLINGHAM: No further questions.

MR. GRAYBILL: That's all.

HEARINGS EXAMINER: That's all, sir, thank you.

(WITNESS EXCUSED)

MR. GRAYBILL: Jed Stanfill?

JED STANFILL, called as a witness by the Northern Plains Resource Council, having been first duly sworn upon his oath, both as to his written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

MR. GRAYBILL: Mr. Hearings Examiner, before we start

with this witness, I would like the record to show I think there may be an improper inference drawn for some of the people in the room here. The Westinghouse Report, as I understand, is a part of the record. Didn't you make it a part of the record?

HEARINGS EXAMINER: It's an exhibit in this proceeding.

MR. GRAYBILL: And the environmental reports of the Department of Natural Resources are also a part of the record; isn't that true?

HEARINGS EXAMINER: They are part of the exhibits in this proceeding.

MR. GRAYBILL: Okay. I just think that we should all understand that those are evidence in this case.

HEARINGS EXAMINER: Very well, you may cross-examine.

MR. BELLINGHAM: I don't think that there was any doubt about whether they were.

(THE WRITTEN DIRECT TESTIMONY OF MR. JED STANFILL WAS DIRECTED TO BE INSERTED AT THIS POINT.)

STATE OF MONTANA

BEFORE THE BOARD OF

NATURAL RESOURCES AND CONSERVATION

STATEMENT OF

JED STANFILL

First I should like to introduce myself to you. My name is Jed Stanfill. I live between Toston and Townsend, Montana. My ranch lies along the west bank of the Missouri River just south of Townsend, Montana. Approximately five miles of the Missouri River frontage is the eastern boundary of my ranch.

The proposed route for the transmission lines from Colstrip 3 and 4 would, at the last information I received, cross my land in its widest part. It is with this introduction that I now give testimony concerning my opposition to the proposed Colstrip generation plants 3 and 4.

My first question, and I might add, it seems to be an unanswered question, is that the need doesn't seem to be proven that these generation plants are so necessary. From the information given us by the Department of National Resources, the coal could be shipped by rail cheaper and provide as many jobs as would the construction of the plants and the transmission lines. This, however, is not my field of endeavor, and

I will not waste time and words by going any further concerning it.

I feel qualified to speak concerning the production of food and fiber in this area in Montana. I produce cattle, sheep, hay, and grain. I consider myself to be a land developer for agricultural use. In the time I have spent on this ranch, I have increased its production at least tenfold. Land leveling, flood irrigation, and sprinkler are our main tools in increasing food production. I have seen what dams, freeways, and other developments of this kind have done to farming valleys. There are only so many really productive valleys in the world. If we continue to cover them up with water and build roads and transmission lines through them, one day the people of this nation will want for food. If Colstrip three and four are deemed necessary by those who claim to know, then I think they should consider routing the lines in non-food-production areas. I, for one, do not want to move aluminum sprinkler lines under these huge transmission lines. I can truthfully say that I'm not confident that the radiation from these lines won't affect other growth and production of the soil.

The Townsend valley is a very productive valley for Montana. Our climate is mild and our soil is fertile. In the past ten years we have put into operation many sprinkler systems for increasing production of grain, sugar beets, hay, and other foodstuffs. One of the biggest problems that faces us is labor. Automated sprinklers and power lines just don't get

along at all. We have found in the past years that we can produce more with overhead irrigation than we can with flood irrigation. In my own case, this line would completely foul up a new 400-acre project that I have in the offing. With this type of thing hanging over me, I'm not about to spend $60,000.00 on a project that in a year or so would be useless because a Montana Power Company transmission line cut my field in two. This delays production. It hurts the supply houses who sell equipment, and it delays the development of valuable land that could be producing ten times as much as it is now producing.

Energy is important. We use a great amount of it in the production of food. I think it is time the engineers in the U.S. took time to study ways and means of developing energy without destroying the environment that is so important to our survival, as with a transmission line 300 feet wide, 410 miles in length, across a great part of the State of Montana.

On my ranch, in the line of travel of this proposed transmission line, is a wet area full of all kinds of birds and wildlife. I can see now what will happen to some of the best duck hunting and bird shooting if this line crosses this area. I'm sure the birds will find another place to stop in their yearly migration, but how long can they continue to find places to stop if we continue to destroy their natural habitat?

MR. BELLINGHAM: I would like to have a couple of minutes. It's rather hard to keep up with the witnesses as they're coming on because they are going a little bit out of order, and I don't object to that, but I would like to have a couple of minutes.

HEARINGS EXAMINER: Very well, just take your time, and read the statement before you ask questions.

(Pause)

MR. BELLINGHAM: I'm ready.

HEARINGS EXAMINER: Very well, you may proceed.

EXAMINATION OF JED STANFILL

Cross, by Applicants

By Mr. Bellingham:

Q How many acres in your farm, Mr. Stanfill?

A About 2,680 in the deeded land, and about a half a section of leased land.

Q And who is the half section from?

A It's a private lease, Bob Gruber.

Q Two thousand six hundred and eighty acres, and how long have you been on that spread?

A I've lived there about 14 years.

Q Did you purchase it?

A Yes.

Q Did you write your statement today?

A No, about a week ago.

Q You wrote it out yourself?

A Yes, I did.

Q Did you have any input from anybody else?
A I didn't.
Q No?
A None whatsoever.
Q No pamphlets, you didn't rely on any pamphlets or any reading material or anything?
A No, I didn't. I've read some material that's been put out by the Department of Natural Resources and the Northern Plains Resource Council, but I had no information when the statement was written.
Q I assume that somebody contacted you from Northern Plains Resources?
A Yes, they did.
Q And this is prior to the time you wrote your statement?
A Yes, it was.
Q Who was that?
A Well, I was contacted by Ted Flynn, one of my neighbors.
Q Is he a member of Northern Plains Resources?
A No, he's just an interested party.
Q Was he contacted by somebody from Northern Plains as far as you know?
A I can't answer that because I don't know. I suppose he was. We have been contacted by the council several times.
Q To appear at the hearing, I assume?
A Yes, that's true.
Q You were invited to appear at this hearing and testify?
A Yes, I was.
Q And it's partly for that reason that you're here today, I

assume; is that right?

A That's right; I'm interested in the construction of the power line and where it's going to be put if it's going to be constructed.

Q Now I think you're aware of the fact that the transmission line, if the middle of it does directly cross a part of your land that's going to become an inconvenience to you, can possibly be rerouted; you're aware of that?

A Yes, I'm aware of that. Inconvenience is a mild understatement.

Q Now do you have any sprinkler system?

A Yes, I do.

Q I think you've indicated that in your statement, do you not?

A I have several other systems projected, too, for the near future.

Q In the future. And I assume that when and if the time comes for the transmission line to be built, that you will make the proper authorities familiar with your plans and with your present system, I'm sure, will you not?

A Yes, I will.

MR. BELLINGHAM: No further questions.

HEARINGS EXAMINER: Mr. Graybill?

<u>Redirect, by Northern Plains Resource Council</u>

<u>By Mr. Graybill</u>:

Q Well, Mr. Stanfill, in line with what you were just saying to Mr. Bellingham, I see that you talk about the agricultural productivity of the area in which you live. Is agriculture

1 the basic industry in the area in which you live?
2 A Yes, I'd say so, livestock and wheat and grain.
3 Q And to your knowledge, is that agricultural base in that com-
4 munity a part of the agricultural industry in Montana and
5 supplying food and fiber for the state and the nation?
6 A Yes, it is.
7 Q And if they put two 500 kv lines through your place, is that
8 going to increase or decrease your productivity?
9 A Well, it's bound to decrease it.
10 Q And you've done a good deal of irrigating in your area, is
11 that right?
12 A Yes, I have; I've developed a number of acres, probably nearly
13 400 acres of irrigated land in the last 14 years, reclaimed
14 it from alkaline mineral type soil that wasn't producing any-
15 thing.
16 Q And do you feel that your ability to irrigate this land would
17 be at least reduced or limited if two 500 kv lines were put
18 in across it?
19 A Yes, I think so. The main problem, of course, is the location
20 of the lines. There are a number of things that this type of
21 thing does. Most of the land that I've developed over the
22 past 10 or 15 years has been land that we've leveled and washed
23 the mineral down in, and labor is getting to the point that we
24 are almost going to have to go to center pivot. Wheel lines,
25 you can't even find people to do them anymore, so we're moving
26 toward center pivot type sprinkler systems, and I don't know
27 if you're aware of what they are.
28 Q Why don't you explain for the record the difference between

these two or three types of irrigation systems?

A Well, the center pivot is fed through a central point, and then this sprinkler line revolves in a circle around that point; and they come in all sizes from anywhere from 160 acres to 300. They have large systems now that will irrigate up to 350 or 60 acres. They're totally automatic; you push a button and it irrigates the ground, it cirles around. Wheel lines, they take some time and some labor to move them, and agricultural labor, especially ranch labor, is becoming more difficult to find. These lines that we're talking about are -- well, it's impossible to run a center pivot system in the same area that they're in because of the fact that you can't break the line. The line, once it's set up, has to remain so, so the lines either have to be moved outside of the area of the center pivot system, or you can't use that system of irrigation; it's just that simple.

Q So if the center pivot method could not be used because of the two 500 kv lines, it would tend to increase your cost of production; is that right?

A Absolutely, it would increase your cost of production because of labor; in fact, in some instances, the project would just have to be done away with.

Q And in that case it would decrease your production?

A Absolutely.

Q And I don't suppose we need to belabor the necessity of an agricultural industry, but I wonder what you can say to us relative to the increasing importance of these types of irrigation to the agricultural industry in general and to our

ability to produce fiber and food for an expanding need?

A Well, I don't have the figures that would give us an accurate amount of the increase in production in the Townsend valley, but if someday when you're traveling through there if you'd look at the hills above the canal, you'll find that there are probably 1/3 as many acres now being sprinkled above the ditch as there are being flood irrigated below, and, of course, the amount of food and fiber that we produce by this method, it's a very economical way, water wise; it costs more, of course, it costs power to pump the water and these sprinkler systems are expensive, but it's a good way to produce food and use acres that -- well, land that a few years ago that you'd have to have 20 sections to run four or five head of cows, now you run a cow to the acre if you plan to irrigate a pasture, or you can grow 60 or 70 bushels of good hard red wheat on land that wouldn't produce anything, just a few cactus, a few years ago. The position that I maintain is this, I'm not an expert in the production of electricity, I don't know how much power the state of Montana and Washington and Oregon and California and the other western states need, but I am an expert in the production of food, and I know that if we continue to build dams and power lines and super highways through our productive land that we're going to one day want for food. Right now we stand in a position in the world, if we were intelligent enough, to negotiate with the Russians and the Arabs and the rest of the world. Our food is worth more than their oil or their automic missiles or anything else that they have.

Q Do you know from your experience in the agricultural industry whether or not there is a world surplus of food?

A There's definitely a world shortage of food. Right at the present time the droughts in Kansas and Oklahoma and Nebraska can shorten our supply of grain by millions of bushels. Russia has been in trouble all this winter crop; their wheat crop will be down probably 25 to 30 percent of what it was last year. There are people starving to death all over the world. We've always had a surplus in this country. We don't think that we need to conserve. We build houses on our prime agricultural land, and we cover our fine valleys such as Canton up with lakes, but there will be a day, gentlemen, when this country won't be in this position if we don't heed the warnings now and start using -- if we must have power lines, then we better put them where food isn't grown or where we can't develop areas to grow food.

Q If there were a way of moving the energy represented by the coal of eastern Montana to the load centers without building another transmission line, would you oppose moving the energy to the load centers and --

MR. BELLINGHAM: We object on the grounds that it exceeds the scope of the cross.

HEARINGS EXAMINER: Well, there's not much point in limiting your cross if you're going to re-open the other, but you can answer the question. I don't imagine you're going to pursue it lengthy.

A Yes, I feel that the coal could be moved to other areas and let them generate it. I think as far as the national defense

it's better -- more small generating plants are a lot easier to put out of commission than one great complex like they're going to build or want to build at Colstrip. That's my personal opinion.

Q Are you aware that coal can be moved by rail to the Pacific Northwest?

A Yes, I read part of the Department of Natural Resources' Impact Statement.

Q If that were done, would that allow you to continue to improve your agricultural industry?

A Yes, the railroad is already there, and we have no quarrel with them. I have no quarrel with the power company except when they want to build lines across land that I feel should be used for agricultural purposes. I don't like to look at the lines either; I think there's a visual pollution, a deterioration in the value of my property that this line would bring across, and I find it difficult to estimate how many hundreds of thousands of dollars -- I've heard statements that people like to look at these lines, but personally I think they're an eye sore and, if we could put them underground, I'd be much in favor of something like that.

MR. GRAYBILL: That's all I have, Mr. Bellingham.

HEARINGS EXAMINER: Very well, you're excused, sir, thank you.

(WITNESS EXCUSED)

MR. GRAYBILL: Mr. Manley?

JOHN MANLEY, called as a witness by the Northern Plains Resource

Council, having first duly sworn upon his oath, both as to his written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

(THE WRITTEN DIRECT TESTIMONY OF MR. JOHN MANLEY WAS DIRECTED TO BE INSERTED AT THIS POINT.)

STATE OF MONTANA

BEFORE THE BOARD OF

NATURAL RESOURCES AND CONSERVATION

STATEMENT OF

JOHN MANLEY

My name is John Manley. I am a rancher in Powell County, and I represent that area in the Montana Senate. I am appearing here today for my constituency in opposition to Colstrip and the 500 k.v. power lines.

In the last three years the Montana Legislature has passed a strong reclamation law and a fair coal tax - I voted for the coal tax bill this past session. Because of these laws, coal can be strip-mined in Montana, with adequate protection for our land and agricultural resources, and with a reasonable return for all the citizens of the State. We can, I think, benefit from some mining in Eastern Montana.

But power plants are a different story. I can see very little good coming from them. In fact, what I mostly see is people being adversely affected in many ways. It is clear to me that if the coal is shipped by railroad to the West Coast, we will benefit all across Montana. The right of way is already there, the railroad companies say they can handle the business, and every railroad town in the State will

see sound economic growth as the result of new jobs. There can be no doubt that this will help the State.

On the other side of the coin, landowners in Rosebud County and all across Montana, including many in my district, will suffer if the Colstrip 500 k.v. transmission lines are approved.

I have had some experience with power lines -- seven miles of my ranch are crossed by a 230 k.v. line that the Montana Power Company built ten years ago. My experiences include having right-of-way men misrepresent where the line was going, and having them tell a different story to my neighbor than they told to me. When I went to court over the line, the Judge would not listen to my argument that my privacy would be affected by the lines and the roads, and that this could not be counted into any easement payment. Since the line has been in, we have had poorer television and radio reception. From start to finish this power line has been one big problem for me and my family.

I do not want my district to undergo these problems, but if Colstrip is built, landowners in my area will have even bigger headaches. The lines are bigger, the corridor is much larger. When the line came across my ranch, I had a big fight with the Power Company to keep them from routing it across my hay meadows and farm ground. Some of my neighbors may get lucky and be able to avoid having the lines

on their crop land, but I am sure many of them will have the lines running through the most productive part of their ranches. Again, I have to come back to the fact that Colstrip does not offer us the benefits that shipping the coal by rail will.

From what I read about these hearings, there seem to be all sorts of questions still left about the impacts of air pollution, social disruption, and the like. It makes sense to me that if there are questions about these issues, it would be better to have the plants built where the power is needed. That way, the people consuming the electricity will have the responsibility for making sure that there are no harmful effects from the power plants and transmission lines.

HEARINGS EXAMINER: Mr. Bellingham, have you had an opportunity to read this statement?

MR. BELLINGHAM: Yes, sir.

HEARINGS EXAMINER: Okay.

EXAMINATION OF JOHN MANLEY

Cross, by Applicants

By Mr. Bellingham:

Q You state, sir, that you're a rancher in Powell County?

A Yes, sir.

Q Where is the location?

A Well, my ranch is located -- I should probably correct that statement. My ranch is in Powell and Granite Counties, and there is a road between the little town of Drummond and the town of Helmsville, and my ranch is located approximately halfway between.

Q How many acres do you have?

A It's 15,160 deeded acres, and I have one state school section leased.

Q And how did you acquire these, Mr. Manley?

A My grandfather founded it.

Q So it's been passed down from generation to generation?

A Yes, sir.

Q You inherited the ranch, I take it?

A Yes, sir.

Q You indicate that in the last three years the Montana legislature has passed a strong reclamation law and a fair coal tax?

1 A Yes, sir.
2 Q And you're familiar with that legislation, I assume, because
3 you were in the Montana senate?
4 A I am in the Montana senate, yes.
5 Q How many years?
6 A I was elected the last election; I was in one, the last
7 legislature.
8 Q And you're in favor of the reclamation law and the coal tax
9 as it now stands, I assume, are you not?
10 A Yes, I believe there are a few areas where it could probably
11 be strengthened, but I believe it's a workable legislation.
12 Q And you state coal can be strip mined in Montana with adequate
13 protection for land and agriculture resources, and with a
14 reasonable return for all the citizens of the state?
15 A Yes, sir.
16 Q And you believe that statement or you wouldn't put it in,
17 isn't that right?
18 A Yes, sir.
19 Q And as far as our reclamation law is concerned, you feel then
20 that it does form a firm foundation upon which land that has
21 been strip mined can be adequately reclaimed and be put back
22 into production?
23 A Yes, sir.
24 Q Now according to your statement, you've also had a little
25 fight with one of the utility companies in the past?
26 A Yes, sir, the Montana Power Company.
27 Q Yes, I was going to get to that. In fact, it went to court,
28 did it not?

A Yes, sir.

Q And you represented yourself?

A Yes, sir.

Q And you also lost, did you not?

A If you were considering tripling the compensation that was offered me and what I got losing, then, sir, I lost.

Q You state here that the judge would not listen to your argument that your privacy would be affected by the lines and the roads, and that this could not be counted into any easement payment?

A That's right, that's the way the judge ruled during the hearing. It was a commission hearing, though, is what it was.

Q Well, you indicate here the judge would not listen to your argument?

A Oh, there was a judge, yes, sir.

Q All right. Well, in any event, you lost that phase, is that right?

A Yes, sir.

Q You indicate that you've had poor television and radio reception?

A Yes, sir; the power line that the Montana Power built is just across the road from my house, and it's probably, I would state, well within 1,000 feet, probably closer to 500 feet, of my home.

Q Have you reported this problem to the Montana Power?

A Yes, sir.

Q To whom?

A To Butte, the office in Butte.

1 Q When was this done?
2 A Right after the line was built. They brought a testing de-
3 vice out, and they put it in my house; and they came on a
4 clear day, dry day, and it doesn't affect the radio reception
5 and television when it is dry. But when it snows, rains, it's
6 almost impossible to watch it. They didn't come when it was
7 snowing and raining so we just went to the added expense of
8 putting in a power line and a booster and our television an-
9 tenna further away from the line.
10 Q Did you go back to Montana Power after their study was com-
11 pleted and tell them you were having continued troubles?
12 A No, sir, I didn't see any real use.
13 Q Now you also indicated when the line came across your ranch
14 you had a fight with the company to keep them from routing
15 it across your hay meadows and farm ground. As a matter of
16 fact, they did route it around your hay meadows and farm
17 ground, didn't they? They relocated the line?
18 A No, sir. When they originally came to me and asked for the
19 easement for their engineers to survey the line, they told me
20 that it was going where it is now. Then I signed easement for
21 them to cross my property, and then was when they started sur-
22 veying it across my meadows, and it was then when I told them to
23 get back where they told me where they were going originally.
24 Q And they did do that?
25 A Yes, sir, after they were -- yes, they did do that.
26 Q Yes. It's not routed across your hay meadows and farm ground?
27 A No, sir.
28 MR. BELLINGHAM: No further questions.

Redirect, by Northern Plains Resource Council

By Mr. Graybill:

Q You mean to tell me, Senator Manley, that they actually started to put the line in a different place than they surveyed it originally and got an easement for?

A No, sir, they didn't start putting in the line. When the Montana Power people first came to the ranch to get permission for their surveyors to come across your property originally, they come and they ask you for permission; and when they do this, they came into my home and they showed me a preliminary drawing of the power line, and it showed the power line not going through my meadows or across any of my farm ground. In fact, it showed the line hardly even touching my ranch. In fact, it had, I believe, in the original rolled up photograph -- they have a rolled up deal so it shows a long distance of the line -- it showed only three standards on my ranch, on my property, or three poles. I considered myself rather lucky so I gave the Montana Power Company permission for their surveyors to come onto my property and survey the line. Approximately a month later I witnessed the survey crew right out in the middle of my meadow and my most productive ground. I went up and talked to the foreman of the crew, and he very rapidly showed me his signed statement that I had given the Montana Power Company giving them permission. I told him that I didn't care about my signed statement, to get off of my more productive ground, and I wanted to see the right of way man that had originally come to my property. Incidentally, I never did see him again. They sent another man to get this straightened

1 out, as they said, and then, of course, he told me that he
2 could not understand the first man promising me this. Whether
3 or not these people are trained to do this, or whether or not
4 it is done inadvertently I wouldn't know, but I did tell them
5 to get back over off of my more productive ground, or I would
6 try to take legal action or whatever I would have to do, but
7 I definitely would not let the power line through there.
8 Q How many pole settings did you end up with, Senator?
9 A They went completely the full length of my ranch; it's seven
10 miles. I have never counted the standards, but it's tre-
11 mendous.
12 Q Quite a lot more than three?
13 A Yes, closer probably to -- well, way over 30, 40; I wouldn't
14 really know.
15 Q And that's what gives you the feeling that you're not too sure
16 that you want to negotiate with them again?
17 A I have told a lot of my people that are involved in this that
18 I would recommend a tape recorder the minute a Montana Power
19 representative started talking to you, and record everything
20 that was said and all statements that were made.
21 MR. BELLINGHAM: We move to strike the answer on the
22 ground it's not responsive.
23 HEARINGS EXAMINER: Overruled.
24 Q Now I don't know whether you were here in the hearing room this
25 morning, or maybe it's been since noon, but there's been some
26 indication from some of the questioning by counsel for the
27 applicants that if television or radio interference occurs
28 that the power company will take care of it. You didn't find

that to be the case on your ranch, is that right?

A Well, I never really pushed the issue too much. They never did anything else that they had promised to do so I couldn't see any reason why they would do that so at the time I never even bothered, and I just moved my antenna.

Q At whose expense did you move your antenna?

A At my own.

Q But you did definitely experience interference from the high power line to your TV and radio reception, is that right?

MR. BELLINGHAM: We object on the grounds it's repetitious.

HEARINGS EXAMINER: Sustained.

Q I take it from the fact that you supported the strip mining legislation that if there were a way to get the coal out of the ground and to the load centers without building the power line, you would favor that over building two 500 kv lines across Montana?

A Yes, sir, the railroads are already built, and the damage that they've done through the valleys is already there. Also, the railroads in the state of Montana and probably in the whole nation are suffering a tremendous economic depression. Even in my district the Milwaukee Railroad is practically moved out of the city of Deer Lodge, transferred a whole bunch of lifelong residence to St. Paul for the simple reason of not enough business, and it only makes good business, it seems to me, to use a business that you already have and it would benefit everybody in the state and all railroad towns by putting on more trains and shipping this ore out of the state, and it

would also let the people that are going to benefit by this electricity breathe the smoke and dust that will come from the generating of it.

MR. GRAYBILL: That's all the questions I have, Mr. Bellingham.

MR. BELLINGHAM: No questions.

HEARINGS EXAMINER: Very well, sir, thank you. You're excused.

(WITNESS EXCUSED)

HEARINGS EXAMINER: Next witness?

MR. GRAYBILL: Mr. Lofftus.

JAMES LOFFTUS, called as a witness by the Northern Plains Resource Council, having been first duly sworn upon his oath, both as to his written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

(THE WRITTEN DIRECT TESTIMONY OF MR. JAMES LOFFTUS WAS DIRECTED TO BE INSERTED AT THIS POINT.)

STATE OF MONTANA

BEFORE THE BOARD OF

NATURAL RESOURCES AND CONSERVATION

STATEMENT OF

JAMES LOFFTUS

My name is James Lofftus. I am here today representing myself and many neighbors and friends who live in the Clark's Fork Valley between Milltown and Clinton. Over the past two years people in our area have circulated petitions, attended many meetings, written letters, all to make our opposition to the Colstrip project known. Two weeks ago we got together again to discuss this issue, and decided to make one final effort to voice our feelings against Colstrip and the 500 k.v. lines.

The area I live in is composed of both agricultural and residential property. I have lived just south of Turah for the past four years and have resided in Missoula since 1954. Like my neighbors, I moved to my present home because of the desire I had to escape the congestion of Missoula, to live and raise my family in a clean, good environment.

I oppose Colstrip Units 3 and 4 and the lines because neither are needed by Montana and because it would disrupt and disfigure the area I live in. Running up the valley today are two railroads, two pipelines, an interstate highway,

a frontage road and three large power lines. Two more lines, particularly two lines the size of the Colstrip 500 transmission lines, would totally destroy much of the aesthetic pleasure we receive from living in the area. These lines would cut a 300-foot-wide corridor through a narrow valley, and nowhere could one escape seeing the towers. This is not an impact that can be pushed aside -- at least it will not be one residents of the valley will be able to ignore.

We are extrmely concerned with the disruption that will accompany the construction of the lines, the work crews moving through the area, the noise, the erosion, and the felling of timber. We will have to undergo this activity for two years, and some impacts of the construction process will persist long after the towers are up. Additionally, access roads to each tower will have to be provided. This will be a problem primarily for rual landowners. It must again be remembered that we are dealing with a small, compact area, that has already been considerably developed. We do not need any more roads or transmission lines.

Probably the largest and most easily measured impact we face is the reduction of property values. One neighbor who recently sold his house to move into a new home up the road had numerous people tell him that they liked the house and the location, but they didn't want to live near the 230 k.v. line that crossed in front of his property. Many also

objected to a smaller REA line that cut across his property. It is obvious that the effects of two 500 k.v. lines will have a tremendous influence on our ability to sell our land, if the need arises, and on the price we will receive for it. For any that doubt this, the MOntana Supreme Court recently ruled in favor of landowners in the Botterroot who contended a Montana Power 161 k.v. line would deprive them of the highest and best use of their property. These landowners received good condemnation settlements because of the ruling, but it is still questionable whether even the larger payments will compensate for the loss in value to their property over the life of the power line. We have seen no studies on this, yet it is an impact on everyone in the State who will be crossed by the 500's.

Beyond this, what about those people, and there will be many of them, who will not be crossed by the line, who will receive no easement payments, but who still have their land values plummet downward because the view has been destroyed? This is an extremely important question and we have heard no answers to it.

In closing, I would like to point out two additional considerations. The first is that we do not know what route will be chosen for the line if Colstrip is approved. The route up the Clark's Fork is the company's second choice. But in this regard, we are not saying "choose another corridor," but rather, "choose no corridor." We know that the

objections of the Flathead Tribe and Landowners in the Blackfoot country to the Colstrip line come from the same concerns that we have and are equally valid.

Secondly, we would not appear here in total opposition to the Colstrip project if it was needed, if it was in the best interests of Montana. We feel that the alternatives, such as smaller units, increased energy conservation and coal shipment to the west offer more for the State without the disruption that must follow the certification of Colstrip 3 and 4 and the 500 k.v. lines.

HEARINGS EXAMINER: Mr. Bellingham, you may cross-examine.

EXAMINATION OF JAMES LOFFTUS

Cross, by Applicants

By Mr. Ross:

Q Mr. Lofftus, what do you do professionally?

A Electrician.

Q For whom?

A Right now I'm unemployed.

Q Who did you work for before that?

A I worked for different contractors; the last one was Rainbow Electric.

Q Have you been an electrician all your life?

A For almost 20 years.

Q How long have you lived in the Missoula area?

A Since 1954.

Q Where did you live before that?

A I lived in Hamilton and Darby, Montana.

Q Do you know a Mr. Carlson?

A Not by the last name. I know a few Mr. Carlsons, but you'd have to identify him further than that before I could answer your question.

Q You indicate that you're representing some friends and neighbors in your area. Can you give me those names, please?

A Well, there's quite a bunch of them; I could if you want them, but I'd have to stop and think about exactly who all they are.

Q Well, could you give me them? Go ahead and take some time

and give them to me?

A Yes, I could. Mr. Charles Smith and Mr. Dean Holmes and Mr. Wayne Beck, Mr. and Mrs. Melvin Roskey, Mr. Howard Ellis, Mr. Joe Devlin, Mr. Gary Matson. It escapes me in mind, there's quite a few; I'd have to stop and think.

Q Did these people review your written statement that you submitted here today?

A This I don't think so, no.

Q Are you aware of the applicants preferred route for the 500 kv transmission lines?

A Yes, I am.

Q How close are they to your property?

A A long ways from my property, the preferred route.

Q You say a long ways; approximately how far in miles?

A Oh, approximately 30 to 35 miles by road.

Q You make the statement that units 3 and 4 are not needed. Have you made any studies which support that statement that they're not needed?

A Outside of what I've read in the paper, the newspapers, other publications, and my own personal feeling I do not believe they are needed.

Q You haven't read any of the record or looked at any of the exhibits in this proceeding, have you?

A No, sir, I haven't.

MR. ROSS: No further questions.

HEARINGS EXAMINER: Mr. Graybill.

Redirect, by Northern Plains Resource Council

By Mr. Graybill:

Q Mr. Lofftus, you say you're an electrician; are you a member of the IBEW?

A Yes, I am.

Q So all of the IBEW members aren't in favor of Colstrip 3 and 4?

A No, sir, they're not.

Q Are some of these people that you spoke of that wanted you to represent them here today IBEW members?

A No, they are not.

Q I notice in your statement you say that, just as you replied a moment ago, that Colstrip 3 and 4 and the lines aren't necessary. I see that you talk there about the railroads and the pipelines and the highway; would you have any objection to this coal being mined and then moved by rail to the load centers?

MR. ROSS: Objection beyond the scope of cross.

HEARINGS EXAMINER: Overruled.

A I have no objection to coal being mined and shipped by railroad, although I have a personal feeling that this energy, either coal or electricity, should be used in the state of Montana rather than being shipped out of the state.

Q Are you aware that the grid to which this power is to be delivered, the Bonneville Power grid, is connected to California and to the west coast?

MR. ROSS: Objection beyond the scope of cross.

HEARINGS EXAMINER: Overruled.

MR. GRAYBILL: Well, I'd just like to explain, Mr. Ross. You talked to him about the need for 3 and 4 and I think that maybe California is becoming the need here.

MR. ROSS: Move to strike.

HEARINGS EXAMINER: It will be stricken.

Q You said that the location of these particular power lines, if the two 500 kv lines are built across Montana, is not through property you own; is that right?

A The preferred routes are not, no, sir.

Q Some of the alternate routes could be; is that it?

A The second choice route would be -- I'm not sure if it would be across my land or not because, as I understand it, there's never been a survey made down to the Clark Fork so I do not actually know whether it would cross my land or not.

Q Well, the approved route goes across the Flathead Indian Reservation, as I understand it; is that your knowledge of it?

A That's the way I understand it, yes.

Q Now assuming that the Indians don't allow --

MR. ROSS: Objection beyond the scope of cross.

HEARINGS EXAMINER: I'll sustain that one.

MR. GRAYBILL: Would you hear me on this one, Mr. Hearings Examiner?

HEARINGS EXAMINER: Yes, sir.

MR. GRAYBILL: Mr. Ross talked to him about the lines being near his house and about whether they would affect his property, and I want to establish the possibilities for affecting his property, and I'd like to at least get my question out before we get it objected to.

HEARINGS EXAMINER: Okay, let's hear your question.

Q My question is that assuming, and we've assumed a great deal in various questions here, but assuming that for some reason the preferred route through the Flathead Indian Reservation was not available because of the Indians, and the secondary route through the Clark Fork River valley had to be utilized, do you feel that that route would in any way affect the valuation of the property that you own in that neighborhood?

A Yes, I do.

Q Why?

A Well, the unsightliness, the height of the poles, or the towers, the unsightliness, the amount of ground it would take up all bears a factor, and also the reduction of value of property.

Q Are there already extensive lines in the Clark Fork Valley?

A There is a 230,000 volt Bonneville line, there is a 100,000 volt Montana Power line, there is the old original Milwaukee line which is, I understand, operated by the Montana Power Company now, plus various small power company lines and REA lines.

Q Is the land you own in an incorporated city?

A No, sir.

Q How big a tract is it?

A It's a subdevelopment of two parts; the part I am in is approximately 66 acres and the other part of the subdevelopment I'm not sure how many acres are involved.

Q Why did you move to that type of any area?

A Clean air, outdoors, lack of congestion, lack of traffic.

Q And do you feel that if the power lines went through the valley that they would affect this type of -- I'm not talking about your house particularly, but would they affect adversely the type of subdivision land on which you live?

A I'm sure it would, yes.

MR. GRAYBILL: I think that's all.

Re-cross, by Applicants

By Mr. Ross:

Q You've stated that there are a number of transmission lines, railroads, and highways in the area where you live. If you don't like that sort of thing, why did you move to that area?

A I moved there, and I knew they were there when I moved there, and I have no objections to where they are located now, although some of the people didn't like them; but I had no objections. Two more lines would further congest the area, and I would object to the two more lines.

MR. ROSS: No further questions.

MR. GRAYBILL: That's all.

HEARINGS EXAMINER: Very well, thank you, sir. You're excused.

(WITNESS EXCUSED)

HEARINGS EXAMINER: Next witness?

MR. GRAYBILL: Bob Conley.

BOB CONLEY, called as a witness by the Northern Plains Resource Council, having been first duly sworn upon his oath, both as to

his written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

(THE WRITTEN DIRECT TESTIMONY OF MR. BOB CONLEY WAS DIRECTED TO BE INSERTED AT THIS POINT.)

STATE OF MONTANA

BEFORE THE BOARD OF

NATURAL RESOURCES AND CONSERVATION

STATEMENT OF

BOB CONLEY

My name is Bob Conley. My address is Box 647, Harlowtown, Montana. I live on my family ranch located fourteen miles south of Harlowtown. Our ranch was originally homesteaded by my grandfather in 1911, and has been in the family ever since. I was raised in Harlowtown and attended Marquette University and the Milwaukee Institute of Technology. I have a technical degree in Electrical and Mechanical Engineering and a master mechanic card. I was away from the ranch from 1963 to 1967, when I returned to the ranch to insure that it would continue to stay in the family.

I am employed by the Milwaukee Road Railroad as a Machinist Inspector. I also own and operate Advance Machine and Refrigeration, a small business that deals in commercial refrigeration. I also help with the running of the ranch, which predominantly is operated by my father.

The upper Musselshell Valley is a rich agricultural area. In our area, ranchers and farmers raise cattle, sheep, wheat, barley, oats, other small grains and hay. Our family ranch is very small, comprising only a section and a half.

Half of our land is planted in grain and the other half in hay. Because our operation is so small, we have a constant battle to make ends meet. If the power lines come through our property, the amount of land that they will take out of production could be the final straw and force our small operation out of business. The success or failure of our ranch, including those of our neighbors, depends on the freedom of the use of our land as we see fit. I have prepared this testimony in conjunction with many of the landowners in the upper Musselshell Valley, with the understanding that I will represent their concerns to the Board of Natural Resources.

As near as I can tell from maps and markers that were made when the applicants' preferred route was flown in 1973, the two 500,000-volt transmission lines will come through our ranch. As I have said, this will seriously impact our family. The lines would cross our property and then cross onto a large flat to the northeast of us. This land is approximately 80% in crop, the rest in rangeland. All this land has been cropped in the past and has a great potential for the growing of grain in the future. However, with the problems of farming around the huge towers that will support these transmission lines, ranchers will be reluctant to break up new ground. Thus, the transmission lines will decrease the potential use of the land in our area.

In addition, the potential for sprinkler irrigation in our area is great. At present, most all of the farmland is dry,

but the land is well suited for irrigation. The larger ranches in our area have the necessary water rights to accomplish this feat. On our family ranch we have examined the possibility of drilling a well for water for irrigation. If the transmission lines come through our area, this potential for irrigation will be lost. I know that not one of my neighbors would consider risking the kind of money it takes for irrigation, knowing the fact that irrigation under these lines will be, at best, a hassle, and at worst, deadly.

I have seen the tower design that the applicant companies have submitted for their tower structures, and this is another worry to the ranchers in our area. The Harlowtown area is plagued with high winds, some of the highest in the State. One-hundred-mile-an-hour winds are not uncommon. On December 10, 1975, one of these high winds blew down a Rural Electric Administration line that runs two miles west of my house. The line started a range fire and burned 300 acres before my neighbors and I were able to put it out. The thought of one of the 500,000-volt, Colstrip-to-Hot-Springs lines blowing down in our area scares us a great deal.

The ranchers in my area are also quite upset about the transmission lines for a reason that must be quite common in the rural areas where the lines might cross. It wasn't until 1947, that electricity came to the ranches in the upper Musselshell Valley. That electricity was brought to our homes by the Fergus Electric Co-op, not The Montana Power Company.

The Power Company refused to construct lines to our homes when we wanted electricity. Now they want to construct huge lines that will be of no value to us.

There is another serious problem with the transmission lines as they will affect our area, and as a railroader and a small businessman, I feel particularly qualified to address this point. Harlowtown is one of the main maintenance and rail yards for the Milwaukee Road Railroad. The railroad is the mainstay of the economy of the town. The Milwaukee Road is currently building a large facility in Minneapolis which has already caused the closing of the shop in Deer Lodge, Montana. The Minneapolis facility has taken away about one half of the units that used to be serviced in Harlowtown. Since 1973, one third of the employees in the roundhouse and car departments have been laid off. If the need for additional power for the Pacific Northwest is indisputable, I propose that shipment of Montana's coal via the railroad to the energy-consuming districts where the coal-fired generating plants will be close to abundant water and the consumers. This action could increase our county revenue and community growth by bringing additional railroad activity to our area.

Finally, I want to add one personal note. The upper Musselshell Valley is absolutely beautiful. We are surrounded by the Snowy Mountains to the North and the Crazy Mountains, perhaps one of the most beautiful mountain ranges in the State, to the West. I have constructed my new home so that out of

my front window I see the Crazies, and out the back I see the Snowies. If the transmission lines cross my property, they will pass between my house and one of these mountain ranges. I will have to look at the lines every single day, which will destroy the view we love so much.

Montana has tremendous inherent strength. Our philosophy of preserving our heritage by retaining our landmarks and rural lifestyle has stood the test of time. Montana is the creation of the Great Architect of the Universe, as is evident by our shining mountains, fresh, sparkling waters, purple sagebrush plains, and the grandeur of our ever-present blue sky. But every person in our State must make that philosophy come alive in their hearts and minds. It must be seen and recognized as an effective and dynamic force for good in the real world that men and women see about them. Throughout our lives, we are challenged time and time again. When we respond to those challenges successfully, we advance. When we fail to respond successfully, we go backward. Montana today is confronted with such a challenge. That challenge may be even stronger in the years ahead of our State. Let us hope that our leaders will sense the great change in our environment and will recognize the need to renew our State's philosophy.

HEARINGS EXAMINER: You may cross-examine.

EXAMINATION OF BOB CONLEY

Cross, by Applicants

By Mr. Bellingham:

Q Mr. Conley, how old are you, sir?

A Thirty-one.

Q And I understand that you don't make a livelihood on a farm or a ranch; is that correct?

A At this time not in its entirety.

Q You're employed by the Milwaukee Railroad; is that right?

A That's correct, sir.

Q And what is your duty?

A I'm a machinist inspector; I do the federal work for the inspections on the units.

Q You live on a family ranch; is that right?

A Correct.

Q And who runs that family ranch now, who's in charge?

A My father.

Q And how many acres are involved?

A A section and one half.

Q Does your father live off the proceeds of the farm or ranch entirely?

A Yes.

Q And I take it that your ranch, the one that you live on, has been handed down from generation to generation in your family, also; is that correct?

A That's correct.

1 Q Well, now as I take it, you're not sure that the transmission
2 lines will come through your ranch, or are you?
3 A The power company made its survey, and according to the grid
4 maps that the company has not only in their Westinghouse
5 Study, but the later ones that we obtained, our ranch is on
6 the southern boundary approximately one mile south of our
7 ranch buildings at the time. I might add that we were un-
8 aware that the survey was being made across our land or the
9 purpose of its intent.
10 Q Well, are you sure that it is going to cross the property?
11 A Possibly they could miss it.
12 Q And you don't know that if it comes across your property,
13 what portion it will cross, I take it then?
14 A It will either cross our hay meadows or our grain land; it
15 has to cross one or the other.
16 Q Why is that?
17 A Because our land lies both to the east and west and also a
18 large section lies to the north and south, and if they put it
19 anywhere south, other than over into the next county, it has
20 to transfer either one direction or the other.
21 Q How far would that be?
22 A Approximately one mile.
23 Q Did you prepare your statement yourself?
24 A Yes, I did.
25 Q And have you had any contact with any people from Northern
26 Plains Resources Council in the preparation of your statement?
27 A Not in the preparation as such; I applied to the Board of
28 Natural Resources to find out when the hearing was going to be

and they mentioned that possibly I could come up as an independent witness and they would send me the information, and later on I was told that the Northern Plains were going to represent a case for themselves using the people in the area, and I asked if I could come and testify at this time.

Q And who did you contact?

A Mr. Carl England.

Q I take it that there is no sprinkler irrigation presently on you land; is that right?

A No, we have had the ASCS come out and we're presently in the process of making some probable surveys. We do have water rights available on the ranch that would substantiate a system of this type.

Q How long ago was it that you --

A This was approximately -- well, it would have been last summer.

Q But at present you do not have any?

A No, it's in the making; it would be the pivot type.

Q Pardon me?

A It would be the pivot type, sir.

MR. BELLINGHAM: No further questions.

<u>Redirect, by Northern Plains Resource Council</u>

<u>By Mr. Graybill</u>:

Q Mr. Conley, you say you do work for a railroad?

A Yes, sir.

Q And that's the Milwaukee?

A That's correct.

1 Q And so I take it that you would have no real objection if we
2 moved the coal by rail from Montana to anywhere east or west
3 and transformed it into energy at the load centers?
4 A I think it would be a long range benefit to our community,
5 yes, sir.
6 Q The railroads do have a system capable of transporting coal,
7 right?
8 A Yes, sir; they are presently engaged in it in the eastern
9 sector.
10 Q Now I notice in your statement that you say that some of your
11 neighbors also have talked to you about this, and that you
12 represent them, or they know you're down here talking to the
13 board?
14 A Yes, sir, with the exception of three of them.
15 Q Have you had a discussion of these problems with your neigh-
16 bors?
17 A Yes.
18 Q So your statement is designed to set forth the viewpoint of
19 others in the neighborhood besides yourself?
20 A Correct.
21 Q And what type of farming or ranching is done primarily in the
22 country in which you live?
23 A Primarily I would say it's 60 to 80 percent crop land in the
24 particular area we live with areas to the east and west lean-
25 ing more toward the cattle ranching. At one time when this
26 land was homesteaded, all of it, well not all, I'd say 90
27 percent of it was broke up and in crop land, so it is crop-
28 able, and we have share cropped some with one of our neighbors

who is on, who borders us to the north where the proposed transmission line would go if it did not go on our property. The land is presently in grass now, but is becoming sod bound and he's been talking about breaking up perhaps two or three sections and irrigating it for several years and perhaps seeding it back down into some type of grass or grazing again.

Q When you say crop land, you mean wheat or oats or barley?

A Yes, sir.

Q What type of farm machinery do you use?

A Could you be more specfic, sir?

Q Yes, specifically do you or your neighbors use wheel tractors or crawler tractors, or what is your method of propulsion on your farm machinery?

A Well, both crawler and wheel.

Q Have you ever had occasion to farm around a 26 by 26 foot steel tower?

A No, sir, I know how miserable one of our windmills was and a piece that we broke up, and we removed that, so I can imagine what one of those towers would be like.

Q Have you ever driven a crawler type tractor?

A Yes, sir.

Q Can you describe for the board how it is that you turn a crawler type tractor at the end of a strip, or at the corner of a field?

A Well, it's by a slide process of breaking one track which in turn makes the other track turn faster and it slides one side around in order to turn the implement.

Q So it's a matter of using the brake and the clutch, isn't it,

to get the tractor to skid itself around?

A That's correct.

Q And do you have any idea what problems a 26 square foot tower would have in terms of getting a tractor with a rig of machinery behind it around it?

A Well, you would have to make an allowance in your field for the tower so you would have room to turn.

Q In wheat farming in Montana, some of the tractors they use are very large, aren't they?

A That's correct.

Q Do you have any idea of whether or not the clutch and brake mechanisms on those crawler tractors are expensive to repair?

A For the caterpillar tractor that I am familiar with, it is a torque converter system, and it's around $18,000 to replace it; I'm speaking about a D-8.

Q If you had a tower in the middle of a field, or in a strip, that you had to go around, wouldn't it have the affect of just about doubling the amount of turning that a tractor would have to do to get around that tower on that strip?

MR. BELLINGHAM: We object to this line of testimony as improper direct beyond the scope of cross.

HEARINGS EXAMINER: Well, it's exceeding the scope somewhat, but go ahead and you can answer this, but as long as we don't pursue it. The board pretty well knows how the tractors work; there's two farmers on it.

A Well, I don't believe it would create as much wear and tear as it would an inconvenience if you were pulling a piece of equipment 28 to 30 feet wide. In trying to manipulate it

around the tower, I imagine you would have to lose approximately an acre of ground time in covering it. You'd have to double up and come back on four sides in order to take the ground out along side of the tower.

Q Does this have the affect of raising your operating costs?

A Definitely, plus whatever weed control there would be.

MR. GRAYBILL: I think that's all.

HEARINGS EXAMINER: Mr. Bellingham?

MR. BELLINGHAM: Nothing further.

HEARINGS EXAMINER: Very well, we'll take a 15 minute recess.

(WITNESS EXCUSED)

(RECESS AT 3:05 P.M.)

Following a brief recess, the hearing reconvened at 3:28 P.M. on March 3, 1976.

HEARINGS EXAMINER: I guess we've used all your scheduled witnesses, haven't we, Mr. Graybill?

MR. GRAYBILL: Yes, sir.

HEARINGS EXAMINER: Well, for the moment, anyway.

MR. GRAYBILL: Yes, sir.

HEARINGS EXAMINER: There may be some more in later in the day. Is Mr. Ferrell here?

DOUGLASS FERRELL, appearing as a public witness, having been first duly sworn upon his oath, both as to his written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

HEARINGS EXAMINER: Mr. Ferrell has filed a written statement, and you're an opponent to the project, are you not, Mr. Ferrell?

WITNESS: That's right.

HEARINGS EXAMINER: Very well. Proponents can ask you questions on your statement and it'll be filed and go to the board. Mr. Bellingham?

(THE WRITTEN DIRECT STATEMENT OF MR. DOUGLASS FERRELL WAS DIRECTED TO BE INSERTED AT THIS POINT.)

Douglass Ferrell
Star Route West
Trout Creek, Mont. 59874

I am a landowner and permanent resident of Sanders County. I am not a direct consumer of electricity. One powerline crosses my property; others intrude on my awareness all up and down the Clark Fork valley every time I leave home.

I am strongly opposed to more power lines not only because of their devastating effect on visual qualities, nor because their access roads are a nuisance to me, nor even because of their harmful effects on wildlife and their permanent disturbance of public forest lands, though these reasons alone are enough to lead me to forcefully oppose more power lines.

I hate the lines because to me they represent bad decisions and a worse future for Montana. The rows of stark steel towers and crackling lines portend the fate of a state whose decision makers find it advisable to mine, industrialize, pollute, and ultimately cheapen this beautiful state for the narrow interests of a few generations.

I oppose more power lines with my eyes, my head, and my heart.

Douglass Ferrell

EXAMINATION OF DOUGLASS FERRELL

Cross, by Applicants,

By Mr. Bellingham:

Q How old are you, sir?

A Twenty-five.

Q What is your occupation?

A I'm a carpenter.

Q How long have you been a carpenter?

A Two years.

Q Where do you work?

A At the present time I'm unemployed.

Q Where is your residence?

A Sanders County, Montana.

Q Trout Creek?

A Right.

Q And have you had any contact with Northern Plains Resource Council before you came here?

A Yes, I met Tom France once.

Q Pardon me?

A I met Tom France once.

Q When was this?

A About a month ago.

Q At a meeting in Plains?

A Right.

Q You were one of those present at that meeting?

A That's correct.

Q At which time Mr. France indicated that you could come and testify, is that right?

A That's right.

MR. BELLINGHAM: No further questions.

HEARINGS EXAMINER: Thank you, sir. Your statement will go to the board. Is it Miss Weiner? Would you come forward, please?

MS. KAYLA WEINER, appearing as a public witness, having been first duly sworn upon her oath, was examined and testified as follows:

HEARINGS EXAMINER: You don't have a written statement. You're just going to talk from your notes, aren't you?

WITNESS: Yes.

HEARINGS EXAMINER: So, if you'd speak right into the microphone and tell us what you've got to tell us.

STATEMENT OF MS. KAYLA WEINER

Well, I didn't have a written statement before I came here. I jotted down these notes sitting here. And basically what I want to say is I'm here as a private citizen in opposition to the Colstrip 3 and 4 project because I believe its construction will precipitate the construction of the power lines through our valley, that being the Clark Fork Valley. I have traveled extensively in the mountain west in search of what I would consider the ideal place to find a home. I remember distinctly the first time I drove up the Clark Fork Valley and was confronted with the visual impact of the transmission lines in the Plains-Thompson Falls area, and was very much offended by these power lines. As I got

further to the western end of the county, I found it much more aesthetically pleasing, and chose to make Heron my home on the basis of its physical beauty, among other things, in addition to the fact that there's a low industrial development, low population density, and wildlife -- I can no longer say an abundance of wildlife.

I'm not opposed to the project because it will go through my land. It has very little physical effect on my personal being. It will affect my television. I know that for a fact because the ones that are away now affect it. It will be ugly to look at. It will bring more people into the area. It will be noisy. But those aren't the main reasons I'm here. I oppose it on a philosophical basis, that we do not need any more power. We need to learn to conserve the natural resources that we have. And I'd say that the money that's planned for this project, if it were used to educate people to why and how we can conserve our energy, there would be no need to develop any further resources that we have.

That's all I have to say.

HEARINGS EXAMINER: Very well. Mr. Bellingham, do you have any questions?

EXAMINATION OF MS. KAYLA WEINER

Cross, by Applicants,

By Mr. Bellingham:

Q How old are you, Ms. Weiner?

A Thirty-three.

Q Are you married?

1 A Yes, I am.
2 Q Where is your residence? I didn't get it.
3 A Heron, Montana. That's in the far western corner of the
4 state.
5 Q What is the occupation of your husband?
6 A My husband's occupation?
7 Q Yes.
8 A I find that rather irrelevant. He's not working at this time.
9 I really fail to see what my husband's occupation has to do
10 with my statement.
11 Q You indicated that you lived on a ranch, did you? Or not?
12 A Well, we call it a ranch, yes. It's 45 acres.
13 Q That's why I asked you whether your husband lived off the
14 ranch.
15 A My husband lived off the ranch?
16 Q And you?
17 A Yes. Right now we're living off our ranch. We are.
18 Q Have you had any contact with Northern Plains Resource
19 Council?
20 A I'm not sure what you mean by contact. I have been involved
21 with the power line situation since moving to this area two
22 years ago. About a year and a half ago -- it was in the
23 summer of '74 -- the Natural Resource Board had an information
24 meeting to inform the public what was happening. At that
25 time, I know there was a resource member there. I had no
26 other contact with him. There was literature there. I have
27 read that literature. I've read the full impact statement
28 from the Natural Resource Board. I shouldn't say I've read

it fully. I've perused it, and I'm familiar with the material in it. As far as any further contact with natural resources, absolutely not. I have signed a statement saying that I oppose the Colstrip. Is that enough?

Q When you moved to the western part of the state, where did you come from? Were you living in Montana prior to that time?

A Yes, I was living in Phillipsburg, Montana -- well, west of Phillipsburg.

Q For how many years there?

A Oh, for about six months.

Q Prior to that time?

A Arizona.

Q How long have you lived in Montana, then?

A Two years.

MR. BELLINGHAM: All right. No further questions.

HEARINGS EXAMINER: Thank you. Your statement will go to the board. Mr. Ward?

WILLIAM WARD, appearing as a public witness, having been first duly sworn upon his oath, was examined and testified as follows:

HEARINGS EXAMINER: Would you give the reporter your name and address, please? I understand that you're testifying orally in opposition to the application, is that correct?

WITNESS: That's correct. I just have a few notes that I've made while I was sitting here listening to

the other witnesses.

HEARINGS EXAMINER: Very well. Go ahead.

STATEMENT OF WILLIAM WARD

I'd like to read from it in the fact that I hope it'll condense my testimony. I've written: some people enjoy things money can't buy and men cannot produce, and I'm one of those. We people here in this building have one positive advantage over the rest of the people in the world, and that is, we live here in Montana. I personally hate to see the place, to me, desecrated for the monetary and pleasurable enrichment of a very small minority, and that is we the people of today. I feel if we're to do anything good in this life, we should strive to leave the world a place we're proud to pass on to succeeding generations. I'm sure it can be proven that someone will be benefited by Colstrip 3 and 4, but I seriously doubt it will be our grandchildren.

That's my main feeling on the project. I'm opposed on philosophical reasons.

EXAMINATION OF WILLIAM WARD

Cross, by Applicants,

By Mr. Bellingham:

Q Is it Mr. Ward?

A Yes.

Q How old are you, sir?

A Twenty-nine.

Q What is your occupation?

A I'm unemployed at the moment.

Q What did you do prior to this?

A I've worked for Forest Service; I've worked for loggers; I've worked construction outfits.

Q How long have you lived in Montana?

A About two years.

MR. BELLINGHAM: No further questions.

HEARINGS EXAMINER: Thank you, sir. Dana Dube?

DANA DUBE, appearing as a public witness, having been first duly sworn upon his oath, both as to his written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

HEARINGS EXAMINER: You filed a written statement which we will make a part of the record in these proceedings. If you want to add anything to it, you can, and if not, we'll -- there'll be cross-examination.

WITNESS: No, all I'd like to add is I've just come here as a private citizen to, as you know, be an opponent to the Colstrip power line, not from any financial reasons, mostly from aesthetical.

(THE WRITTEN DIRECT TESTIMONY OF MR. DANA DUBE WAS DIRECTED TO BE INSERTED AT THIS POINT.)

March 4, 1976

I am a property owner and tax payer in Sanders County, and am very much opposed to the construction of any more power lines through my area. Already there is one high voltage line through my land, and it is impossible to put a value on the amount of visual displeasure I get from viewing this monstrosity. Is it really necessary to produce and transmit more power? Wouldn't we all profit in the long run by implementing more stringent energy conservation measures? Please carefully consider the alternatives at least to power lines, if not to the entire Colstrip Project.

Sincerely yours,

Dana R Dube

DANA R. DUBE

-7219-

EXAMINATION OF DANA DUBE

Cross, by Applicants,

By Mr. Bellingham:

Q How old are you, sir?

A Twenty-six.

Q What is your occupation?

A I'm unemployed at the moment.

Q What did you do prior?

A A roofer.

Q Where do you reside?

A At the moment in Coeur d'Alene.

Q You reside in Coeur d'Alene, Idaho?

A At the moment I am, yes.

Q How long have you resided there?

A Off and on for about two years. I own some property in Montana and I'm trying to pay for it. Employment there is easier to get.

Q In Idaho?

A Correct.

Q Than in Montana?

A Correct.

Q You mean unemployment compensation?

A I've been working, except for the winter, in the building trade, and almost all building stops in the winter.

Q Have you had any contact with Northern Plains Resource Council?

A No.

Q None whatsoever?

A None whatsoever.

MR. BELLINGHAM: No further questions.

HEARINGS EXAMINER: Thank you, sir. Mr. Hernandez?

(NO RESPONSE.)

HEARINGS EXAMINER: Is Charles Lawrence here?

CHARLES LAWRENCE, appearing as a public witness, having been first duly sworn upon his oath, was examined and testified as follows:

HEARINGS EXAMINER: Go right ahead.

STATEMENT OF CHARLES LAWRENCE

I'm a private citizen who resides in western Montana. It's argued, probably, by the power company that the coal development is needed for a large part of the country, and even though, I think, in net, it's going to be very detrimental to a number of the people that live in this state. I feel, though, that the entire country doesn't really need this development; that there's enough energy right now; that there's sufficient alternative energy sources; that this country has to start going towards a line of resource conservation. I'm not opposed to it necessarily in the future, but I think at this time we have to go slow. We have to conserve now and spread out our known resources so we can -- we will have time to safely develop some alternative forms of energy. I'm against the entire development, both the mining of the coal, and the transmission lines. To me, the act of mining is just going to bring a lot of adverse growth into the western part of the state. Montana is one of the few areas we have left, and it just seems to me that if there's one place in this country that

we ought to leave more or less alone, in a pristine state, that this'd be the area. I don't really like to see the power lines going through. I think it tears up the land. I don't know all of the deleterious effects that it has. It's unsightly. And I think there are alternatives we can develop.

That's really all I have to say.

HEARINGS EXAMINER: Mr. Bellingham?

EXAMINATION OF CHARLES LAWRENCE

Cross, by Applicants,

By Mr. Bellingham:

Q Where do you reside, Mr. Lawrence?

A Near Noxon, Montana.

Q How long have you resided there?

A Well, off and on for three years.

Q Prior to that time where did you reside?

A Oh, Wisconsin, Libby, Trout Creek.

Q How many years have you lived in Montana?

A I came here in '68.

Q How old are you?

A Twenty-five.

Q What is your occupation?

A I'm a forester.

Q For whom are you working now?

A I'm presently unemployed.

Q Have you had any previous contact with Northern Plains Resource Council?

A None whatsoever.

Q Where did you get the idea of coming here today?

A From communications with Mike Kamoa who was a previous witness.

Q And where did Mike get his contacts as far as this Colstrip hearing was concerned, do you know?

A I don't know. He may have testified to that, but I don't remember exactly. He said he came to the Plains' meeting, I guess.

Q He solicited you to come here today, is that right?

A He told me about it, and I told him, yes, I was interested.

MR. BELLINGHAM: No further questions.

HEARINGS EXAMINER: Thank you, sir. Mr. Sandler?

JEFFREY W. SANDLER, appearing as a public witness, having been first duly sworn upon his oath, both as to his written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

HEARINGS EXAMINER: You've filed a written statement, haven't you?

WITNESS: Yes.

HEARINGS EXAMINER: Do you have anything you wish to add to your statement?

WITNESS: No.

(THE WRITTEN DIRECT TESTIMONY OF JEFFREY W. SANDLER WAS DIRECTED TO BE INSERTED AT THIS POINT.)

STAR RTE. WEST
TROUT CREEK, MT.
MARCH 3, 1976

I SUBMIT FOR THE RECORD, AS A TAXPAYER AND RESIDENT OF SANDERS COUNTY, MONTANA, THAT I VEHEMENTLY OPPOSE THE CONSTRUCTION OF ANY HIGH VOLTAGE TRANSMISSION LINES THROUGH THE AREA I LIVE IN. THE NUMEROUS ONES ALREADY PRESENT ARE A SCAR ACROSS A FRAGILE LANDSCAPE, AN ABOMINATION TO THE EYE AND TO THE HEART.

THERE NOW EXISTS A HIGH VOLTAGE LINE ACROSS PART OF MY 160 ACRES IN SANDERS COUNTY, WHICH I MUST CONSTANTLY ENCOUNTER IN ITS VISUAL IMPACT ON AN OTHERWISE UNMARRED AND BEAUTIFUL HILLSIDE. I WISH WITH ALL MY HEART THAT IT WEREN'T THERE.

I QUESTION THE JUSTICE OF INFLICTING THESE HORRENDOUS STEEL TOWERS ON A LAND AND A PEOPLE WHO HAVE NO USE FOR THE ELECTRICITY THEY CARRY, AS I AND SEVERAL OF MY NEIGHBORS DO NOT. I ALSO QUESTION THE JUSTICE OF GENERATING ANY POWER OTHER THAN IN THE GENERAL PROXIMITY OF WHERE THE POWER IS TO BE USED.

Jeffrey W. Handler

-7224-

EXAMINATION OF JEFFREY W. SANDLER

Cross, by Applicants,

By Mr. Bellingham:

Q Mr. Sandler, where do you live?

A In Sanders County, Montana.

Q Trout Creek?

A Yes.

Q How long have you lived there?

A Off and on for a year.

Q Prior to that time where did you live?

A Coeur d'Alene, Idaho.

Q How long have you lived in Montana?

A Just off and on for a year.

Q For a year?

A Right.

Q What is your age, sir?

A Twenty-six.

Q What is your occupation?

A Presently unemployed.

Q You are unemployed?

A Right.

Q Prior to this period, for whom did you work?

A My last employment was as a surveyor with the U.S. Forest Service.

Q Have you had any previous contact with Northern Plains Resources?

A None whatsoever.

Q How does it happen that you're here today?

A One of my co-tenants in the land I own in Sanders County informed me of this meeting, and I was interested enough to drive a round trip of about twelve hours, as most of the people in this room from Sanders County did, just to testify today, and to let our feelings be known.

Q Did you come up here by yourself?

A No, I didn't.

Q You came with another group?

A I came with -- yes, the people that I'm co-tenants with on our land in Sanders County.

Q So you were contacted previously about coming here, is that right?

A Yes.

MR. BELLINGHAM: No further questions.

HEARINGS EXAMINER: Very well, sir, thank you. Is Mr. Cesar Hernandez here?

CESAR HERNANDEZ, appearing as a public witness, having been first duly sworn upon his oath, was examined and testified as follows:

HEARINGS EXAMINER: Will you give the reporter your name, please?

STATEMENT OF CESAR HERNANDEZ

I just came here as -- I just came here to show my support in opposition to Colstrip 3 and 4. My mode of thinking may be a little irrelevant or ill-put, but in my opposition I should say that, fine if they want to put in 1 and 2, and 3 and 4, let them

go all the way to 30 with the Colstrip units, because the sooner we totally destroy our environment, the sooner that we can cram it down the people's throats that are destroying our environment.

EXAMINATION OF CESAR HERNANDEZ

Cross, by Applicants,

By Mr. Bellingham:

Q Where do you reside, Mr. Hernandez?

A I reside in Noxon, Montana.

Q Noxon?

A Noxon, Sanders County.

Q How old are you, sir?

A Twenty-six.

Q Occupation?

A Self-employed.

Q What do you do?

A A little bit of mining, a little bit of logging, crafts.

Q How long have you lived in Montana?

A Three years.

Q Where did you come from prior to that?

A Illinois, Minneapolis, Puerto Rico.

Q Did you come here with a group today?

A Yes, I did.

Q In a car with a group?

A Friends.

Q How many of them?

A Nine of us.

Q And these people have previously testified, or will?

A Some have.

MR. BELLINGHAM: No further questions.

HEARINGS EXAMINER: Thank you, sir. Is it Mr. Tinker? Do you have a written statement, Mr. Tinker? Well, why don't you have a chair just a minute, and we'll take someone else. They're making copies of your statement, so we'll get to you shortly, then. Mrs.Ballard?

LEE M. BALLARD, appearing as a public witness, having been first duly sworn upon her oath, was examined and testified as follows:

HEARINGS EXAMINER: Please be seated and make your statement.

STATEMENT OF LEE M. BALLARD

I'm a Missoula housewife, and I've come because I don't like power lines, from property value standpoint, from the visual standpoint, and actually, these power lines, because I think we know so little about what can happen with 500 kilowatt lines, and I don't want to be made a subject of experiments by the power company. I have to ride my bicycle back and forth underneath them if they go across the Rattlesnake, and I'd just as soon not. But more than that, I don't like the power lines when I think that they are avoidable, and that we can take the coal to the needed areas where the power is -- where they need the power. I would like to see us conserving energy in all ways, even if it lowers profit, and I would be very glad if they would come and show me

how I can lower the thermostat in my house past 69. And that's all I have to say. 69 -- 59, if you want to push it down below 59, you can't.

EXAMINATION OF LEE M. BALLARD

Cross, by Applicants,

By Mr. Bellingham:

Q You live in Missoula, Mrs. Ballard?

A That's right.

Q You live next door to whom?

A Well, I live very close to Mrs. Wilcox.

Q And who is Mrs. Wilcox?

A Mr. Ross' sister.

Q Is that the same Mr. Ross sitting next to me?

A That's correct.

Q Are you here on her behalf also?

A Oh, no.

MR. BELLINGHAM: No further questions.

HEARINGS EXAMINER: Thank you. Jacob A. Schlepp? Will you give her your name, sir, then I'll swear you in?

JACOB A. SCHLEPP, appearing as a public witness, having been first duly sworn upon his oath, was examined and testified as follows:

STATEMENT OF JACOB A. SCHLEPP

I'm a rancher from the Blackfoot Valley, near Ovando. I have 3300 acres under lease, and at the present time, the line that is going through there is going right through my hay meadow.

I certainly wouldn't want one or two more lines in there, otherwise I'd have to abandon that. If the line as it is proposed right now, the maps that I've seen, if they come through there, we have additional land we'd like to put under irrigation, sprinkler irrigation, if the line actually comes through, we'd have to forget about it, it'd just be poor grazing land, let's put it that way.

I guess that's all I have to say.

MR. BELLINGHAM: Sir, I have no questions at all. Thank you.

HEARINGS EXAMINER: Mr. Stone? Let it be shown that Mr. Stone has a written statement which we will file and will go to the Board of Natural Resources, and if you have anything to add to it you may, Mr. Stone. If not, we'll see if Mr. Bellingham has any questions he wants to ask you about it.

JOHN B. STONE, appearing as a public witness, having been first duly sworn upon his oath, both as to his written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

(THE WRITTEN DIRECT TESTIMONY OF MR. JOHN B. STONE WAS DIRECTED TO BE INSERTED AT THIS POINT.)

ROLLING STONE RANCH
GREENOUGH, MONTANA 59836

[illegible]

Mr. Carl Davis, Hearing Examiner,
c/o Montana Department of Nat[illegible]
32 South Ewing,
Helena, Montana 59601

Dear Sir:

I am writing you to officially file protest to the construction of the Colstrip Power Plant Units 3 & 4 and the associated power lines that would cut through the heart of Montana.

I am a lifetime resident and a landowner in the State of Montana and I am strongly opposed to the construction of Colstrip Power Plant Units 3 & 4. I see no need to build these additional power plants, the safety and cleanliness of which cannot be proven, when we are already producing within our state more power than [illegible] in the foreseeable future in the state of Montana. The coal [illegible] power for the Northwest if it must be mined, could be [illegible] out of state on existing rail roads and the power generated in the areas where needed. This would provide permanent jobs for Montana residents [illegible] the boom or bust situation created by constructing power plants and lines that would employ mostly out of state construction crews for a relatively short period of time. These itinerant construction crews would [illegible] economic and social problems for Montana communitys, not only by their arrival, but subsequently by their inevitable departure.

Montana's greatest natural resource is our clear air, pure water and the open spaces. Let us not destroy this great heritage for the political or economic ambitions of a few reckless [illegible]. Once destroyed this resource can never be replaced or replaced. It will be lost forever and our children and grandchildren will be left to [illegible] our shortsightedness.

This is not intended as a harangue against the Montana Power Company. I am a small stockholder in the Montana Power Company and am as proud of my small share in this fine organization as I am of my small holding of Montana land. I have the highest respect for the management and employees of this great company, and appreciate the many contributions they have made to our state. It is, however, my opinion that they are making a great serious mistake in attempting to build power facilities that would irreparably damage the environment of Montana and, furthermore, would do nothing to enhance the well being of the state or its citizens. There are many exciting new and clean sources of power and power transmission on the horizon so let us not pollute our state with [illegible] smoke belching power plants that even in idle obsolescence would [illegible] eyesore and hazard to future generations.

Respectfully submitted:

John B. Stone

7221

MR. BELLINGHAM: I have no questions.

HEARINGS EXAMINER: Very well. Do you have anything you wish to add, sir?

WITNESS: No, I think not. I think, basically, that I'm opposed to the construction because of the damage it would do to the state, and I basically feel it's not necessary. From a personal standpoint, it would damage my land, and the value of my land, and make operation more difficult.

HEARINGS EXAMINER: Thank you, sir.

MR. GRAYBILL: Mr. Hearing Examiner, I've been asked by some of the witnesses to point something out and I think it is a fair thing for them to have in the record. Counsel for the applicants has asked several of them if they came in a car together, and some of the earlier ones who have testified would now like it clear that while they came in a car together to avoid having several cars come, that they did not come as a group, and are not all of any particular one group, and that they merely have come the long distance from the western part of the state in the same vehicle rather than representing the same point of view or the same organization.

HEARINGS EXAMINER: Very well. The record will show we commend that as a good conservation practice. Have you had an opportunity to read the statement of Mr. Tinker, Mr. Bellingham?

MR. BELLINGHAM: No, sir, I have not, if it was the one just handed me a couple of minutes ago, no.

HEARINGS EXAMINER: Well, we'll call someone else then. Mrs. DuPont?

BETTY G. DUPONT, appearing as a public witness, having been first duly sworn upon her oath, both as to her written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

(THE WRITTEN DIRECT TESTIMONY OF BETTY G. DUPONT WAS DIRECTED TO BE INSERTED AT THIS POINT.)

LITTLE VALLEY RANCH

AVON ZJ MONTANA

March 2, 976

Chairman, Hearing Committee
Colstrip 3 & 4
Helena, Montana

Dear Sir:

I am opposed to the construction of Colstrip 3 & 4 for the following reasons:

1. It has not been proven that Colstrip 3 & 4 would not be harmful to the environment.

2. The Pacific power companies who would be buying power from Colstrip 3 & 4 have stated that they could produce that power at a lower price by buying and importing Montana coal than by having it transmitted from Colstrip 3 & 4.

3. If Colstrip 3 & 4 are constructed, the resulting power line would go through one of the most beautiful and as yet unspoiled areas of the state. With cattle prices as low as they are now, the beauty of his land is the most valuable and salable commodity a rancher has. If his land is defaced by an unsightly transmission line, this valuable commodity is lost forever.

I respectfully request that permission for Montana Power Company to build Colstrip 3 & 4 be denied.

Sincerely,

Betty G. duPont

Betty G. duPont
Little Valley Ranch
Avon, Montana

HEARINGS EXAMINER: You filed a written statement, and do you have anything you wish to add to it?

WITNESS: No, I think my written statement covered my feelings completely.

HEARINGS EXAMINER: Very well, then. Mr. Bellingham can ask you, then, any questions, if he has any, on your statement.

MR. BELLINGHAM: I'm not sure I -- are you Betty G. DuPont?

WITNESS: Yes.

MR. BELLINGHAM: I have no questions.

HEARINGS EXAMINER: Thank you. Mr. Mannix?

RALPH MANNIX, appearing as a public witness, having been first duly sworn upon his oath, was examined and testified as follows:

STATEMENT OF RALPH MANNIX

I suppose the testimony I'm about to give has been stated here several times before. I think probably dating back to the beginning of time, I've been a conservationist. I've belonged to the North Powell Soil Conservation for about 10 years. I have been definitely opposed to highways, urban sprawl, power lines, gas lines, and this stuff taking good, productive land out of cultivation, out of use. There's no question but what these towers are going to take some production away from our community, away from out state. I know that the power company will not control the weeds that is going to be growing on their roads, on the ground that they have disturbed. I am quite sure that they will

not re-seed this area that they disturb. I'm just opposed to this kind of construction without some control over what the after-effects will be from this, and I'm sure that Montana Power, the same as most everybody else that is a public utility, will take advantage and do as little as they possibly can to maintain this thing in the future. The only maintenance that I think will be done will be what benefits them financially and not what will benefit the state or agriculture that they are going to harm. I think this probably will cover my statement, Mr. Chairman.

HEARINGS EXAMINER: Thank you, sir. Mr. Bellingham, do you have any questions?

EXAMINATION OF RALPH MANNIX

Cross, by Applicants,

By Mr. Bellingham:

Q Where do you reside, sir?

A I reside in the Blackfoot Valley, one of the last strongholds that has not been scarred up with power lines, gas lines, interstate highways, and what have you.

Q What is your occupation, sir?

A I am a rancher.

MR. BELLINGHAM: No further questions.

HEARINGS EXAMINER: Very well. Mr. Dave -- is it M-a-t-t-i? Dave Matti, from Helmville?

(NO RESPONSE.)

HEARINGS EXAMINER: Rebecca Summerville?

REBECCA SUMMERVILLE, appearing as a public witness, having been

first duly sworn upon her oath, was examined and testified as follows:

HEARINGS EXAMINER: Would you please give the reporter your name and address? Would you state into the mike your name and address, and then proceed with your statement?

STATEMENT OF REBECCA SUMMERVILLE

Rebecca Summerville, Trout Creek, Montana. I'm a resident of Sanders County, Montana. I recently moved there because of several things. I enjoy the wildlife. I enjoy the clean water, the forests, and most of all I enjoy the quality of life. I came today because I oppose more power line construction than specifically Colstrip. I think power lines infringe on the things I value. They scar the landscape, and I worry about health effects, and effects on wildlife. I think energy conservation is a better plan than building more power plants and power lines through Montana. That's all I have to say.

HEARINGS EXAMINER: Okay. Mr. Bellingham, do you have any questions?

EXAMINATION OF REBECCA SUMMERVILLE

Cross, by Applicants,

By Mr. Bellingham:

Q Ms. Summerville, how old are you?

A Twenty-two.

Q You reside at Trout Creek?

A Yes.

Q Did you come with a delegation from Trout Creek today?

A No, I did not.

Q What is your occupation?

A I'm a soil scientist.

Q Are you working for whom now?

A Well, I'm employed to begin work in two weeks for a private nursery in Coeur d'Alene.

Q In Coeur d'Alene?

A Yes. I work seasonally.

Q How long have you lived in Montana?

A About six months, since September.

Q That's the extent of the time you've been in Montana?

A Well, I've been in Montana longer. I've resided here since September. I've established residency since September.

Q September of 1975?

A That's right.

MR. BELLINGHAM: No further questions.

HEARINGS EXAMINER: Thank you. Well, now, we'll try you again, Mr. Tinker.

FRANK TINKER, appearing as a public witness, having been first duly sworn upon his oath, both as to his written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

(THE WRITTEN DIRECT TESTIMONY OF MR. FRANK TINKER WAS DIRECTED TO BE INSERTED AT THIS POINT.)

Trout Creek Mont Feb 13

Kit Miller:

Some friends asked me to write you the experiences I had with B.P.A. and say if you think it will do you any good that they will see that I get there. I'm 82, not too good.

The first I knew the line was coming up the Clarks Fork valley was when a man came to my place, didn't even say "Good Day" pointed to my sawmill and demanded "Is that mill permanent?" I said it was, as that was the way I made my living. He said it was in the way of where the line was to go. I told him I wouldn't have a power line on the place, go elsewhere, and if it went thru my timber it would really cost them. Later I saw a report he had turned in saying I didn't object to the line and didn't care about the timber. That was lie no 1.

They put in a survey that missed all my good timber, but cut more "danger trees" than half what they paid for the right to cross, wouldn't even let me get them out so I could saw them. Also when they paid me they took out the cost of recording them.

Then when I asked them if there would be any radio interference they said no. That was another lie, as from the time power was turned on the set always sound-

within 5 miles I had to turn the set off. It just got me almost nuts. Also I always had to go check gates, as they many times didnt even shut them.

It finally got me so bad that I told a realestate man if he could find me a place away from the line and a buyer for mine that I'd sell. He did, and as I told him the place wasn't worth 1/5 of mine that I'd buy anything to get away from that line. So I moved, hadnt been here long until I found new stakes across the place. A man came; said he was getting a right of way for the line to Columbia Falls. I said "Let me tell you something, I had to sell the best all around quarter in the Clarks Fork Valley to get away from your line, and if you go across this place you'll buy me one away from the line, put on equal buildings or move mine on it, also all personal propert,

He looked at me, asked me if I hadnt lived at Granite Idaho in 1934. I told him yes, he said he knew me there, so I told him then he knew me, as I had tangled with his dad who figured he owned the country and I convinced him that he didnt

So I didnt have to move, but they pulled as many dirty stunts on others as they did on me.

3) Now if you think my testimony will do you any good, let me know, and my friends will see that I get there.

Also did you know that some electric company went onto the Flathead reservation without asking permission, put up some monitoring stations, got told to take them out, or they would be smashed, I never heard how that came out

And about a month ago, K.O.T.I. carried a news cast that the Tribal Council said they would not let them come across the Mission Range, or get any right of way across any Indian owned land, so they'll have no chance to get to Hot Springs

Your man in Missoula can check that.

So let me know if I can do you any good. I say let them build their plants on Puget Sound and Portland where they'll have plenty water, and let them haul the coal there at most,

But I'd rather see them stopped mining Montana's coal

Frank Linder
Trout Creek Mont
59874

HEARINGS EXAMINER: Okay, sir, would you please be seated, and we have your written statement and it will be filed and go to the board that's hearing the evidence in this matter. Do you have anything you wish to add to it?

ORAL SUPPLEMENT TO WRITTEN STATEMENT BY MR. FRANK TINKER

Well, I don't know. I don't remember whether I put in that or not, but one of my neighbors was loading logs under the Bonneville power line and he had a steel-tracked outfit, and when he got off that to get to his truck, he was knocked down by the static. Is that in there?

MR. BELLINGHAM: I think everything else is. I assume that is, too, although I haven't read it all.

HEARINGS EXAMINER: We'll have to wait a moment until Mr. Bellingham has an opportunity to read your statement, and then he'll see if he wants to ask you any questions on cross-examination.

EXAMINATION OF MR. FRANK TINKER

Cross, by Applicants,

By Mr. Bellingham:

Q I notice that your statement is addressed to Kit Muller.

A Well, that was the name that was on the envelope that a neighbor gave me.

Q Was there a letter in the envelope?

A No, just a blank envelope, all folded up. It arrived

Saturday afternoon after the mail had gone by, so I couldn't get a letter in the mail until the next Tuesday because of Lincoln's birthday.

MR. BELLINGHAM: I have no further questions. Thank you, sir.

HEARINGS EXAMINER: Thank you, and you understand your letter will go to the board, along with the other evidence in this case. Jeanette Nicely?

JEANETTE NICELY, appearing as a public witness, having been first duly sworn upon her oath, both as to her written direct testimony and as to the oral testimony to follow, was examined and testified as follows:

(THE WRITTEN DIRECT TESTIMONY OF JEANETTE NICELY WAS DIRECTED TO BE INSERTED AT THIS POINT.)

March 4, 1976

I have this day undertaken a round trip journey of some five hundred miles to let it be known that I am very much opposed to the construction of any more power lines along the Clarks Fort River Valley.

The effects of those already existing lines to the eye, pesticides, and the wildlife disruption caused by construction and maintence are in my opinion negative qualities.

The construction of more high voltage lines can only increase these adverse effects

Yours truly,
Jeanette Nicely
JEANETTE NICELY

HEARINGS EXAMINER: You have filed a written statement. Do you have anything you wish to add to it?

WITNESS: No.

HEARINGS EXAMINER: Very well. We'll subject you to Mr. Bellingham's grueling cross-examination.

EXAMINATION OF JEANETTE NICELY

Cross, by Applicants,

By Mr. Bellingham:

Q Ms. Nicely, are you married?

A No.

Q How old are you?

A Twenty-two.

Q Are you working at present?

A Not at the present.

Q Where do you reside?

A I reside in Coeur d'Alene.

Q Idaho?

A Yes.

Q There seem to be quite a few Coeur d'Alene people up here today. Have you always resided in Coeur d'Alene?

A Yes, for two years, but in the future I will have residence in Montana.

Q Have you ever lived in Montana before?

A No.

Q You plan on coming to Montana?

A Yes.

Q Where do you plan to reside?

A Trout Creek.

Q How did you get here today?

A In a car.

Q With a Trout Creek delegation? Some of the Trout Creek delegation?

A Yes, with the friends that own the land in Trout Creek.

MR. BELLINGHAM: No further questions.

HEARINGS EXAMINER: Thank you for appearing. All right, is there anyone else who would like to testify?

MR. BELLINGHAM: Is there anyone left in Trout Creek?

HEARINGS EXAMINER: Is there anyone else here who has anything they want to say. This is the time you have an opportunity to do it. If not, we'll -- oh, come right up.

LINDA COMOLA, appearing as a public witness, having been first duly sworn upon her oath, was examined and testified as follows:

HEARINGS EXAMINER: Please be seated and state your name and go ahead and make your statement.

STATEMENT OF LINDA COMOLA

Well, I should say that I'm another one that's opposed to Colstrip 3 and 4. I'd like to say that I'm a landowner and I'm a taxpayer from Noxon, Montana. I'm also, although these power lines aren't going to come on my property, I'd also like to say

that I'm worried about the public lands that are going to be stripped for right of way. A couple of thousand acres, I understand, and the effects of floods. I'd like to say that we have a lot of dams in western Montana, and I cannot believe that western Montana is power-deficient, that we have to export more power out of the state. I would also like to say that my opposition is aesthetic, and that I live in Montana to enjoy the area, enjoy the aesthetics, the relatively clean air. And I'd just like to see the development, this development and this type of growth, stopped right now, because I just don't want to see more -- the more, more ethic. I think that we waste more than 50% of what we have now as far as power and energy sources, and I just don't want to see -- I just feel that we could use this 50% -- there was a report, I think, by the federal energy association, that says, in fact, we do waste more than 50%, and this waste could be used to teach people some conservation. That's all I'd like to say on the matter.

HEARINGS EXAMINER: Do you have any questions, Mr. Bellingham?

EXAMINATION OF LINDA COMOLA

Cross, by Applicants,

By Mr. Bellingham:

Q I didn't get your name, I'm sorry.

A Linda Comola, from Noxon.

Q Did your husband appear here previously?

A Yes.

Q How long have you resided in Montana?

A Almost five years.

Q Where did you come from prior to that time?

A I lived in California. I'm a naturalized citizen. I've been in the states for about eleven years.

MR. BELLINGHAM: No further questions.

HEARINGS EXAMINER: Thank you. Is there anyone else?

(NO RESPONSE.)

HEARINGS EXAMINER: If not, we'll recess until nine o'clock in the morning

(RECESSED AT 4:17 P.M.)